AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Vol. 44—No. 30
2-12-79
BOOK 1:
PAGES
8859-9049

BOOK 2:
PAGES
9051-9365

federal register

BOOK 1 OF 2 BOOKS

MONDAY, FEBRUARY 12, 1979

highlights

NATIONAL POISON PREVENTION WEEK
Presidential proclamation 8859

CLOTHESPIN IMPORTS
Presidential memorandum 8861

IMPROVING GOVERNMENT REGULATIONS
SBA issues final report on its procedures to implement E.O. 12044; effective 1-31-79 8938

POWERPLANT AND INDUSTRIAL FUEL USE ACT
DOE/ERA publishes proposed forms for the petitioning for exemptions from prohibitions of the Act; comments by 3-2-79 (Part V of the issue) 9053

SERIES B-1987 TREASURY NOTES
Treasury announces interest rate of 9 percent per annum..... 8950

HOUSING LOANS FOR ELDERLY AND HANDICAPPED
HUD announces availability of funds for fiscal year 1979 (Part II of this issue)..... 8980

MOBILE HOME LOANS
HUD proposal on property improvement financing to be made to lessees who hold property under renewable long term leases; comments by 4-16-79 8900

MOBILE HOME CONSTRUCTION AND SAFETY STANDARDS
HUD proposal on use of copper clad aluminum conductors, comments by 4-16-79..... 8901

RURAL HOUSING LOANS
USDA/FmHA issues proposal on recapture of Section 502 subsidies approved after 10-30-78; comments by 4-13-79 8898

OIL TANKERS
DOT/CG proposes design, equipment and personnel standards for tank vessels (3 documents); comments by 4-16-79 (Part III of this issue) 8984, 9035, 9039

FISHERMEN'S PROTECTIVE ACT
Commerce/NOAA proposals on implementation of Section 10 provisions; comments by 4-9-79 8905

CONTINUED INSIDE

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR notice 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/COAST GUARD	USDA/ASCS		DOT/COAST GUARD	USDA/ASCS
DOT/NHTSA	USDA/APHIS		DOT/NHTSA	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/OHMO	USDA//FSQS		DOT/OHMO	USDA/FSQS
DOT/OPSO	USDA/REA		DOT/OPSO	USDA/REA
CSA	MSPB*/OPM*		CSA	MSPB*/OPM*
	LABOR			LABOR
	HEW/FDA			HEW/FDA

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

***NOTE: As of January 1, 1979, the Merit Systems Protection Board (MSPB) and the Office of Personnel Management (OPM) will publish on the Tuesday/Friday schedule. (MSPB and OPM are successor agencies to the Civil Service Commission.)**

federal register

Area Code 202 Phone 523-5240

Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $5.00 per month or $50 per year, payable in advance. The charge for individual copies is 75 cents for each issue, or 75 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

INFORMATION AND ASSISTANCE

Questions and requests for specific information may be directed to the following numbers. General inquiries may be made by dialing **202-523-5240.**

FEDERAL REGISTER, Daily Issue:

Subscription orders (GPO)	**202**-783-3238
Subscription problems (GPO)	**202**-275-3054
"Dial - a - Reg" (recorded summary of highlighted documents appearing in next day's issue).	
Washington, D.C.	**202**-523-5022
Chicago, Ill	**312**-663-0884
Los Angeles, Calif	**213**-688-6694
Scheduling of documents for publication.	**202**-523-3187
Photo copies of documents appearing in the Federal Register.	523-5240
Corrections	523-5237
Public Inspection Desk	523-5215
Finding Aids	523-5227
Public Briefings: "How To Use the Federal Register."	523-5235
Code of Federal Regulations (CFR)	523-3419 523-3517
Finding Aids	523-5227

PRESIDENTIAL PAPERS:

Executive Orders and Proclamations.	523-5233
Weekly Compilation of Presidential Documents.	523-5235
Public Papers of the Presidents	523-5235
Index	523-5235

PUBLIC LAWS:

Public Law numbers and dates	523-5266 523-5282
Slip Law orders (GPO)	275-3030
U.S. Statutes at Large	523-5266 523-5282
Index	523-5266 523-5282
U.S. Government Manual	523-5230
Automation	523-3408
Special Projects	523-4534

HIGHLIGHTS—Continued

MEETINGS—

DOE: National Petroleum Council, Committee on Refinery Flexibility, 3-7-79 ..... **8923**

National Petroleum Council, Task Group of Committee on Unconventional Gas Sources, 2-27-79 ..... **8923**

DOT/NHTSA: National Highway Safety Advisory Committee, 2-28, 3-1-79 ..... **8948**

HEW/CDC: Permissible Limits for Lifting Loads in Industry, 2-22-79 ..... **8934**

STPO: Science, Technology and Development Advisory Committee, 2-26 and 2-27-79 ..... **8938**

CANCELLED MEETINGS—

HEW/OS: Secretary's Advisory Committee on Rights and Responsibilities of Women, Family Policy Task Force, 2-14-79 ..... **8934**

SUNSHINE ACT MEETINGS **8965**

SEPARATE PARTS OF THIS ISSUE

Part II, HUD **8980**

Part III, DOT/CG **8984**

Part IV, DOE **9044**

Part V DOE/ERA **9053**

contents

THE PRESIDENT

Administrative Orders

Clothespins, imports (Memorandum of Feb. 8, 1979) 8861

Proclamations

Poison Prevention Week, National (Proc. 4638) 8859

EXECUTIVE AGENCIES

AGENCY FOR INTERNATIONAL DEVELOPMENT

Notices

Authority delegations:
- Nepal, Mission Director; loan and grant agreements 8947
- Sri Lanka, Mission Director; loan and grant agreements... 8947

AGRICULTURAL MARKETING SERVICE

Rules

Grapefruit grown in Fla 8863

Proposed Rules

Melons grown in Tex 8880

Milk marketing orders:
- Inland Empire 8897

Olives grown in Calif 8897

AGRICULTURE DEPARTMENT

See Agricultural Marketing Service; Farmers Home Administration; Federal Grain Inspection Service.

ALCOHOL, TOBACCO AND FIREARMS BUREAU

Notices

Authority delegation:
- Assistant Director (Regulatory Enforcement); liquor dealers' special taxes..... 8949

CENTER FOR DISEASE CONTROL

See Disease Control Center.

CIVIL AERONAUTICS BOARD

Notices

Hearings, etc.:
- Allegheny Airlines, Inc 8921
- Transpacific low-fare route investigation 8922

COAST GUARD

Rules

Security zone:
- Merrit Island, Florida 8869

Proposed Rules

Anchorage regulations:
- Louisiana; extension of time... 8902

Drawbridge operations:
- Florida 8903

Navigation safety regulations:
- Steering gear standards for tank vessel 9035
- Pollution; protection of marine environment; tank vessels carrying oil in domestic trade:
  - Segregated ballast, dedicated clean ballast and washing system; standards 8984

Tank vessels:
- Inert gas and deck foam systems..... 9039

COMMERCE DEPARTMENT

See Maritime Administration; National Oceanic and Atmospheric Administration.

COMMODITY FUTURES TRADING COMMISSION

Notices

New York Cocoa Exchange, et al.; rule changes; inquiry changes; correction..... 8923

DISEASE CONTROL CENTER

Notices

Meetings:
- Permissible limits for lifting loads in industry 8934

ECONOMIC REGULATORY ADMINISTRATION

Notices

Powerplant and industrial fuel use:
- Prohibitions; forms for petitions for exemptions; inquiry 9052

ENERGY DEPARTMENT

See also Economic Regulatory Administration; Federal Energy Regulatory Commission.

Notices

Industrial energy conservation program:
- Corporation using one trillion Btu's; list 9044

Meetings:
- National Petroleum Council (2 documents) 8923

ENVIRONMENTAL PROTECTION AGENCY

Proposed Rules

Air quality control regions, criteria, and control techniques:
- Visability goal for Federal Class I areas, national; identification..... 8909

Waste management, solid:
- Hazardous waste guidelines and standards; correction 8917

Notices

Environmental statements; availability, etc.:
- Agency statements; review and comment 8926

FARMERS HOME ADMINISTRATION

Proposed Rules

Rural housing loans and grants:
- Housing subsidy; servicing and collections 8898

FEDERAL COMMUNICATIONS COMMISSION

Rules

Radio services; special:
- Maritime services; temporary authorizations for ship stations; correction 8878
- Maritime and industrial services; frequencies, standards, and procedures for on-board communications 8874
- Maritime services and Alaska-public fixed stations; Single sideband A3J (supressed carrier) on the maritime mobile service radiotelephone frequency 2182 kHz 8870

Proposed Rules

Radio stations; table of assignments:
- Florida 8903

FEDERAL DEPOSIT INSURANCE CORPORATION

Notices

Meetings; Sunshine Act 8965

FEDERAL ENERGY REGULATORY COMMISSION

Proposed Rules

Natural gas curtailment, interim; extension of time 8900

Notices

Environmental statements; availability, etc.:
- Sitka, City and Borough of, Alaska; Green Lake Dam 8924
- Inspection of natural gas facilities in Fort Worth Basin area, Tex 8924

Hearings, etc.:
- Great Lakes Gas Transmission Co 8924
- Southern California Edison Co 8925
- Southern Natural Gas Co 8925
- Tennessee Gas Pipeline Co 8924
- Transcontinental Gas Pipe Line Corp 8925

Meetings; Sunshine Act 8965

CONTENTS

FEDERAL GRAIN INSPECTION SERVICE

Notices

Grain standards; inspection points:
- Connecticut et al 8918
- Delaware 8920
- Nebraska 8919

FEDERAL HOUSING COMMISSIONER—OFFICE OF ASSISTANT SECRETARY FOR HOUSING

Proposed Rules

Mortgage and loan insurance programs:
- Property improvement and mobile home loans; minimum leasehold terms 8900

Publicly financed housing programs:
- Mobile home construction and safety standards; use of copper clad aluminum conductors in branch circuit wiring 8901

FEDERAL RESERVE SYSTEM

Notices

Applications, etc.:
- Bankers Trust New York Corp. et al 8932
- High Plains Bancorporation, Inc 8933
- Park Rapids Bancshares, Inc.. 8933
- Society Corporation 8933
- Swanville Bancshares, Inc..... 8934

Meetings; Sunshine Act 8965

FEDERAL TRADE COMMISSION

Rules

Prohibited trade practices:
- Coca-Cola Bottling Company of New York, Inc 8866
- Zayre Corp 8866

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See also Disease Control Center.

Notices

Meetings:
- Women, Rights and Responsibilities, Secretary's Advisory Committee 8934

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

See also Federal Housing Commissioner—Office of Assistant Secretary for Housing.

Notices

Low-income housing:
- Elderly and handicapped loans 8980

INTERIOR DEPARTMENT

Notices

Procurement 8934

INTERSTATE COMMERCE COMMISSION

Rules

Rail carriers:
- Directed service reimbursement; cost data submission; funding procedure; clarification 8879

Railroad car service orders; various companies:
- Burlington Northern Inc..... 8878

Notices

Hearing assignments 8951

Motor carriers:
- Temporary authority applications (2 documents) 8951, 8957

JUSTICE DEPARTMENT

Rules

Organization, functions, and authority delegations:
- Land and Natural Resources Division; assignment of litigation responsibilities 8868

MANAGEMENT AND BUDGET OFFICE

Notices

Agency forms under review 8936

MARITIME ADMINISTRATION

Notices

Firefighting training site (West Coast) proposal 8922

MINE SAFETY AND HEALTH REVIEW COMMISSION

Notices

Orders disposing of motions; limited authorization to Executive Director to sign 8932

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Notices

Meetings:
- National Highway Safety Advisory Committee 8948

Motor vehicle defect proceedings; petitions, etc.:
- Fiat Motors of North America, Inc.; Fiat 850 and 124; 1970-1974 model years; date change 8948

Motor vehicle safety standards; exemption petitions, etc.:
- Hung-A Industrial Co., Ltd; new pneumatic tires for vehicles other than passenger cars 8948

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Proposed Rules

Financial aid to fisheries:
- Fishing vessel or gear damage in U.S. fishery; compensation 8905

NATIONAL TRANSPORTATION SAFETY BOARD

Notices

Meetings; Sunshine Act 8966

NUCLEAR REGULATORY COMMISSION

Notices

Applications, etc.:
- Rochester Gas & Electric Co.. 8936

Environmental statements; availability, etc.:
- Babcock & Wilcox Co 8935
- Standard review plan; issuance and availability (2 documents) 8935

SCIENCE AND TECHNOLOGY POLICY OFFICE

Notices

Meetings:
- Science, Technology and Development Advisory Committee 8938

SMALL BUSINESS ADMINISTRATION

Notices

Applications, etc.:
- Cotton Belt Investment Corp.. 8938
- First Florida Capital Corp 8946
- Marwit Capital Corp 8946
- Wood River Capital Corp 8946

Improving Government regulations; final report and regulatory agenda 8938

STATE DEPARTMENT

See Agency for International Development.

SUSQUEHANNA RIVER BASIN COMMISSION

Rules

Water conservation policy and standards 8867

TRANSPORTATION DEPARTMENT

See Coast Guard; National Highway Traffic Safety Administration.

TREASURY DEPARTMENT

See also Alcohol, Tobacco, and Firearms Bureau.

Notices

Antidumping:
- Sugar from Belgium, France, and Germany 8949

Notes, Treasury:
- B-1987 8950

list of cfr parts affected in this issue

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

3 CFR

ADMINISTRATIVE ORDERS:

Memorandums:

February 8, 1979 8861

PROCLAMATIONS:

4638 8859

7 CFR

913 8863

PROPOSED RULES:

Ch. IX 8880

932 8897

1133 8897

1951 8898

16 CFR

13 (2 documents) 9966

18 CFR

803 8867

PROPOSED RULES:

281 8900

24 CFR

PROPOSED RULES:

201 8900

280 8901

28 CFR

0 8868

33 CFR

127 8869

PROPOSED RULES:

110 8902

117 8903

157 8984

164 9035

40 CFR

PROPOSED RULES:

81 8909

250 8917

46 CFR

PROPOSED RULES:

30 9041

32 9041

34 9042

47 CFR

81 8872

83 (3 documents) 8872, 8874, 8878

PROPOSED RULES:

73 8903

49 CFR

1033 8878

1126 8879

50 CFR

PROPOSED RULES:

258 8905

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list, has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect

Interior/NPS—Bathhouse regulations, Hot Springs National Park 2577; 1-12-79

List of Public Laws

NOTE: No public laws have been received by the Office of the Federal Register for inclusion in today's listing.

[Last Listing Jan. 24, 1979]

CUMULATIVE LIST OF CFR PARTS AFFECTED DURING FEBRUARY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during February.

1 CFR

Ch. I 6349

3 CFR

ADMINISTRATIVE ORDERS:

Presidential Determinations:
No. 79-2 of January 17, 1979 7103
No. 79-3 of January 22, 1979 7105
Memorandums:
February 8, 1979 8861

EXECUTIVE ORDERS:

10973 (Amended by EO 12118) 7939
11958 (Amended by EO 12118) 7939
12117 7937
12118 7939

PROCLAMATIONS:

4635 6347
4636 6893
4637 7651
4638 8859

5 CFR

213 ..... 6705, 8239
900 8520

PROPOSED RULES:

720 8570

7 CFR

270 8240
271 8240
277 8548
282 8240
401 7107
724 7108
726 7114
781 7115
905 6349
907 ..... 6350, 7941
910 ..... 6705, 8240
913 8863
928 6706
959 6895
971 7941
1064 7653
1065 7654
1421 6351
1803 6352
1823 6353
1888 6353
1901 6353
1933 6353
1942 ..... 6353, 6354
1980 6354

PROPOSED RULES:

Ch. IX 7724, 7729, 8880
932 8897
1133 8897
1933 7971
1951 8898

8 CFR

341 8240

9 CFR

PROPOSED RULES:

78 8271
318 6735
381 6735

10 CFR

35 8242
205 ..... 7922, 8562
210 ..... 7064, 7070
211 ..... 6895, 7064
212 7070
456 6378

PROPOSED RULES:

Ch. I 8276
50 7736
210 7934
211 7934
212 7934
790 8276

12 CFR

15 7118
225 7120
226 7942
265 7120
303 7122

PROPOSED RULES:

19 6922
24 6922
26 6421
238 6421
348 6421
563f 6421
711 6421

14 CFR

11 6897
39 ..... 6379, 6902, 6903
71 ..... 6379, 6904, 7942-7943
207 6645
208 6645
212 6645
215 6646
244 6646
249 6646
252 7655
291 7655
296 6634
385 6647
389 6647

PROPOSED RULES:

23 7057
25 7057
39 6929
71 6428
135 7057
299 7736

15 CFR

PROPOSED RULES:

30 7738
922 6930

16 CFR

13 ..... 6380, 7124, 7943, 8866

PROPOSED RULES:

13 7739

17 CFR

150 7124
239 ..... 7868, 8245
249 7877
250 8250
256 8250
270 ..... 7869, 8247
274 7868
275 7877
279 7878

PROPOSED RULES:

9 6428
31 6737

18 CFR

270 7944
803 8867

PROPOSED RULES:

2 7971
3 7740
35 7744
154 7744
157 7740
271 7971
281 8900
284 7976

19 CFR

PROPOSED RULES:

101 8276

20 CFR

PROPOSED RULES:

416 6429

21 CFR

73 7128
81 7128
136 7129
184 6706
193 7944
510 7132
520 7129-7131
522 6707
544 8260
555 7131
556 6707
558 7132
561 7946

PROPOSED RULES:

172 7149
176 7149
182 7149
184 7149
1010 7149

23 CFR

655 ... 6708
922 ... 6380, 7656

PROPOSED RULES:

652 ... 7979
663 ... 7979

24 CFR

207 ... 8194
213 ... 8194
220 ... 8194
221 ... 7947, 8196
227 ... 8194
231 ... 8194
232 ... 8194
234 ... 8194
236 ... 8194
241 ... 8194
242 ... 8194
244 ... 8194
1914 ... 6381, 6905, 7656, 7658, 7659
1915 ... 6382, 6383, 6907, 6908, 7133
1917 ... 6386–6388, 7660–7694, 8261, 8262

PROPOSED RULES:

201 ... 8900
280 ... 8901
1917 ... 6441–6464, 6934–6944, 7150–7176, 8277–8288

26 CFR

9 ... 6715
53 ... 7137

PROPOSED RULES:

1 ... 7177
4 ... 6740
5 ... 6740
7 ... 6740

27 CFR

240 ... 7139
245 ... 7140

PROPOSED RULES:

4 ... 8288
5 ... 8288
7 ... 8288

28 CFR

0 ... 8868
4 ... 6890
4a ... 6890

PROPOSED RULES:

47 ... 6752

29 CFR

552 ... 6715
1910 ... 7140, 8577
1926 ... 8577

PROPOSED RULES:

402 ... 8294
403 ... 8293, 8294
2520 ... 8294
2530 ... 8294
2618 ... 7178

30 CFR

715 ... 6682

PROPOSED RULES:

Ch. II ... 7980
251 ... 8302

31 CFR

1 ... 7141

PROPOSED RULES:

Ch. I ... 8310
14 ... 6753

32 CFR

552 ... 7948
644 ... 8184
705 ... 6389
1453 ... 6716

PROPOSED RULES:

552 ... 7183
806b ... 6944

33 CFR

110 ... 6910
117 ... 7950, 7951
127 ... 8869

PROPOSED RULES:

110 ... 6956, 8902
117 ... 7981, 8903
127 ... 7982
157 ... 8984
161 ... 6956
164 ... 9035
165 ... 7982

36 CFR

1227 ... 7143

38 CFR

PROPOSED RULES:

21 ... 7745

39 CFR

10 ... 6392
601 ... 8262
3002 ... 7695

PROPOSED RULES:

310 ... 7982
320 ... 7982

40 CFR

15 ... 6910
35 ... 7143
50 ... 8202, 8221
51 ... 8223
52 ... 7711–7713
60 ... 7714
61 ... 7714
65 ... 6911, 7715–7718, 8263
81 ... 6395
85 ... 7718
162 ... 7695
180 ... 7952, 7953
440 ... 7953
1502 ... 8264

40 CFR—Continued

PROPOSED RULES:

51 ... 8311
52 ... 7780, 8311
65 ... 6465–6469, 6754, 7184, 7785, 8311, 8313, 8315
81 ... 8909
85 ... 7780
86 ... 6650
250 ... 7785, 8917
720 ... 6957

41 CFR

Ch. 101 ... 8264
101-25 ... 7954

PROPOSED RULES:

3-1 ... 7776
3-3 ... 7776
3-4 ... 7776
3-5 ... 7776
3-7 ... 7763
3-11 ... 7776
3-16 ... 7774
3-30 ... 7776
3-50 ... 7776
3-56 ... 7776

42 CFR

50 ... 6716
405 ... 6912
441 ... 6717

PROPOSED RULES:

124 ... 6842
405 ... 6958
442 ... 6958

43 CFR

18 ... 7144
405 ... 6395

PROPOSED RULES:

4 ... 7983
3300 ... 6471
3800 ... 6481

45 CFR

70 ... 8265
220 ... 6718
222 ... 6718
228 ... 6718
1067 ... 6398

PROPOSED RULES:

86 ... 8318
116 ... 7914
116a ... 7914
1067 ... 6960

46 CFR

221 ... 7699
310 ... 7700
509 ... 8265
512 ... 6718, 6719
531 ... 7144
536 ... 7144

46 CFR—Continued

PROPOSED RULES:

30 9041
32 9041
34 9042

47 CFR

68 7955
73 ..... 6721, 6722, 7959, 7960
81 8872
83 ..... 8872, 8874, 8878
87 7961

PROPOSED RULES:

1 ..... 6755, 6960
25 6755
73 ..... 6757, 6758, 7186, 8903
89 7987
91 7987
93 7987
95 6759
97 6759

49 CFR

Ch. X 8270
25 7700
171 6915
173 6915
571 ..... 6915, 7961
574 7963
1033 ..... 6416, 6728-6731, 6916-6919, 7964, 8878
1062 7965
1126 8879

PROPOSED RULES:

171 7989
172 7989
173 7989
174 7989
175 7989
176 7989
177 7989
193 8142
195 6961

49 CFR—Continued

PROPOSED RULES—Continued

1033 6759
1132 6759

50 CFR

20 7146
26 6417
32 6418
33 ..... 6417-6419, 7708, 7969
602 7708
651 6732
653 7711

PROPOSED RULES:

17 7060
258 8905
296 7777
403 7777
611 6761
652 6961
661 7988

FEDERAL REGISTER PAGES AND DATES—FEBRUARY

Pages	*Date*	*Pages*	*Date*
6347-6704	Feb. 1	7451-7935	7
6705-6892	2	7937-8237	8
6893-7102	5	8239-8858	9
7103-7649	6	8859-9365	12

presidential documents

Title 3—
The President

Proclamation 4638 of February 8, 1979

National Poison Prevention Week, 1979

By the President of the United States of America

A Proclamation

Since the first Poison Prevention Week was observed in 1962, we have seen a 75 percent drop in childhood accidental fatal poisonings, according to the latest figures from the National Center for Health Statistics.

Ingestions by youngsters of household products sold in safety packaging were down as well. But, because not all substances can be packaged safely, it is up to everyone responsible for child care to guard against these dangers in the way we store, handle, and dispose of potentially hazardous household products.

Accordingly, by joint resolution of September 26, 1961 (75 Stat. 681, 36 U.S.C. 165), Congress has requested the President to issue annually a proclamation designating the third week in March as National Poison Prevention Week.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, designate the week beginning March 18, 1979, as National Poison Prevention Week. It is particularly important during this International Year of the Child that we become aware of this specific need for child protection.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of February, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred and third.

Jimmy Carter

[FR Doc 79-4741
Filed 2-8-79; 4:32 pm]

Billing code 3195-01-M

Memorandum of February 8, 1979

Determination Under Section 202(b) of the Trade Act; Clothespins

Memorandum for the Special Representative for Trade Negotiations

Pursuant to section 202(b)(1) of the Trade Act of 1974 (P.L. 93–618, 88 Stat. 1978), I have determined the action I will take with respect to the report of the United States International Trade Commission (USITC), transmitted to me on December 12, 1978, concerning the results of its investigation of import injury which was established on its own motion. The investigation was initiated as an outgrowth of information collected in conjunction with Commission investigations Nos. TA–406–2, TA–406–3, and TA–406–4, conducted under section 406(a) of the Trade Act of 1974 and concerning clothespins from the People's Republic of China, the Polish People's Republic, and the Socialist Republic of Romania. All four investigations have concerned clothespins imported under items 790.05, 790.07, and 790.08 of the TSUS.

After considering all relevant aspects of the case, including those considerations set forth in section 202(c) of the Trade Act of 1974, I have decided to accept a variation of the injury relief recommendation made by the USITC. Within 15 days, I will issue a Presidential Proclamation authorizing that a three-year global import quota be established on wood and plastic clothespins (TSUS item 790.05) with a dutiable value not over $1.70 per gross in the amount of two million gross pins. The quota, administered quarterly on a *pro rata* basis, will be allocated as follows:

Category	*Yearly quota allocation*
Valued not over 80 cents per gross	500,000 gross
Valued over 80 cents per gross but not over $1.35 per gross	600,000 gross
Valued over $1.35 per gross but not over $1.70 per gross	900,000 gross
Total	2,000,000 gross

During the course of each year, as it becomes apparent that the quota for any price bracket will not be filled for the year, then the remainder of the allocation may be reapportioned among the brackets whose quotas have been filled.

Relief is warranted for the following reasons:

1. The social costs of denying relief would be very high, since producers are located in isolated regions in the Northeast where alternative employment is scarce.

2. Assistance will not be costly and will not impose an inflationary burden on the economy. The major clothespin manufacturers have provided commitments to comply with the Administration's anti-inflation program.

3. Major clothespin producers have given their assurances that the relief period will be used to modernize facilities, improve distributional channels and promote their product. These steps should put them in a better competitive position once relief is lifted.

This determination is to be published in the FEDERAL REGISTER.

Jimmy Carter

THE WHITE HOUSE,
Washington, February 8, 1979.

[FR Doc 79-4742
Filed 2-8-79; 4:33 pm]

Billing code 3195-01-M

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

[3410-02-M]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS: FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Docket No. AO-353-A2]

PART 913—GRAPEFRUIT GROWN IN THE INTERIOR DISTRICT IN FLORIDA

Order Amending Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final Rule.

SUMMARY: This decision amends the Federal marketing order regulating handling of fresh grapefruit grown in the Interior District in Florida. Growers approved the amendment in a referendum held November 13-22, 1978. The amendment provides for selection of an administrative committee separate from Order 905, for a public member on such committee, changes the definition of the standard unit of measure, and authorizes including export shipments in the computation of handlers' prorate bases.

EFFECTIVE DATE: March 14, 1979.

FOR FURTHER INFORMATION OR A FINAL IMPACT STATEMENT CONTACT:

Charles R. Brader, Fruit & Vegetable Division, AMS, USDA, Washington, D.C. 20250. (202) 447-6393.

SUPPLEMENTARY INFORMATION: *Findings and determinations*—The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each previously issued amendment thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et. seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed amendment of the marketing agreement, as amended, and Order No. 913, as amended (7 CFR Part 913), regulating the handling of grapefruit grown in the Interior District in Florida.

Upon the basis of the record it is found that:

(1) The order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The order, as amended, and as hereby further amended, regulates the handling of grapefruit grown in the Interior District in Florida in the same manner as, and is applicable only to persons in the respective classes of commercial and industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The order, as amended, and as hereby further amended, is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of grapefruit grown in the Interior District in Florida which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of grapefruit grown in the Interior District in Florida is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) *Determinations.* It is hereby determined that:

(1) The "MARKETING AGREEMENT, AS FURTHER AMENDED, REGULATING THE HANDLING OF GRAPEFRUIT GROWN IN THE INTERIOR DISTRICT IN FLORIDA" [1] upon which the aforesaid public hearing was held has been signed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping grapefruit covered by the said order, as amended, and as hereby further amended) who, during the period August 1, 1977, through July 31, 1978, handled not less than 50 percent of the volume of such grapefruit covered by the said order, as amended, and as hereby further amended, and

(2) The issuance of this amendatory order, amending the aforesaid order, as amended, is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who during the period August 1, 1977, through July 31, 1978, (which has been deemed to be a representative period), have been engaged within the Interior District in Florida, in the production of grapefruit for market, such producers having also produced for market at least two-thirds of the volume of such commodity represented in the referendum.

[1] Filed as part of the original document.

Order Relative to Handling

It is therefore ordered, That on and after the effective date hereof, the handling of grapefruit grown in the Interior District in Florida, shall be in conformity to and in compliance with the terms and conditions of the said order, as amended, and as hereby further amended, as follows:

1. Section 913.6 is revised to read:

§ 913.6 Handle or ship.

"Handle" or "ship" means to sell or transport grapefruit, or in any other way to place grapefruit in the current of commerce between the regulation area and any point outside thereof.

2. Section 913.7 is revised to read:

§ 913.7 Carton or standard packed carton.

"Carton or standard packed carton" means a unit of measure equivalent to four-fifths (⅘) of a U.S. bushel of grapefruit, whether in bulk or in any container.

3. Sections 913.8 through 913.11 are redesignated as §§ 913.9 through 913.12 and new § 913.8 is inserted reading as follows:

§ 913.8 Producer.

"Producer" is synonymous with "grower" and means any person who is engaged in the production for market of grapefruit in the Interior District

and who has a proprietary interest in the grapefruit so produced.

§§ 913.9 through 913.12 [Redesignated from §§ 913.8 through 913.11]

§ 913.12 [Redesignated from § 913.11 and Amended]

4. Section 913.11 *Interior district or district* (herein redesignated as § 913.12 *Interior district or district*) contains two erroneous references to "Township 18"; such references are corrected to read "Township 15".

5. Section 913.20 is redesignated as § 913.15 and the following two new sections are inserted:

§ 913.13 Grower districts.

(a) "Grower District 1" shall include the Counties of Hillsborough, Pinellas, Pasco, Hernando, Citrus, Sumter, and Lake.

(b) "Grower District 2" shall include the Counties of Osceola, Orange, Seminole, Alachua, Putnam, St. Johns, Flagler, Marion, Levy, Duval, Nassau, Baker, Union, Bradford, Columbia, Clay, Gilchrist, and Suwannee, and County Commissioner's Districts 1, 2, and 3 of Volusia County, and that part of the Counties of Indian River and Brevard which is included in the Interior District.

(c) "Grower District 3" shall include the Counties of Manatee, Sarasota, Hardee, Highlands, Okeechobee, Glades, De Soto, Charlotte, Lee, Hendry, Collier, Monroe, Dade, Broward, and the parts of the Counties of Palm Beach and Martin which are included in the Interior District.

(d) "Grower District 4" shall include the County of Polk.

§ 913.14 Redistricting.

(a) The committee may, with the approval of the Secretary, redefine the grower districts into which the Interior District is divided or reapportion or otherwise change the grower membership of grower districts, or both: *Provided*, That the membership shall consist of at least six but not more than seven grower members, and any such change shall be based, so far as practicable, upon the respective averages for the immediately preceding five fiscal periods of (1) the volume of grapefruit shipped from each grower district; (2) the total number of acres of grapefruit in each such district; and (3) the volume of grapefruit produced in each such district.

(b) The committee shall consider such redistricting and reapportionment during the 1980–81 fiscal period, and only in each fifth fiscal period thereafter, and each such redistricting or reapportionment shall be announced on or before March 1 of the then current fiscal period.

6. Redesignated § 913.15 is revised to read as follows:

§ 913.15 Establishment and membership.

(a) There is hereby established an Interior Grapefruit Marketing Committee consisting of at least 6 but not more than 7 grower members, and 6 shipper members. Grower members shall be persons who are not shippers or employees of shippers. Shipper members shall be shippers or employees of shippers. The committee may be increased by one non-industry member nominated by the committee and selected by the Secretary. The committee, with the approval of the Secretary, shall prescribe qualifications, term of office, and the procedure for nominating the non-industry member.

(b) Each member shall have an alternate who shall have the same qualifications as the member for whom he or she is an alternate.

7. Insert the following new sections:

§ 913.16 Term of office.

The term of office of members and alternate members shall begin on the first day of August and continue for 1 year and until their successors are selected and have qualified. The consecutive terms of members shall be limited to three terms. The consecutive terms of office of alternate members shall not be so limited. Members, their alternates, and their respective successors shall be nominated and selected by the Secretary as provided in § 913.17.

§ 913.17 Nominations.

(a) *Grower members.* (1) The committee shall give public notice of a meeting of producers in each grower district to be held not later than July 10 of each year, for the purpose of making nominations for grower members and alternate grower members. The committee, with the approval of the Secretary, shall prescribe uniform rules to govern such meetings and the balloting thereat. The chairman of each meeting shall publicly announce at such meeting the names of the persons nominated, and the chairman and secretary of each such meeting shall transmit to the Secretary their certification as to the number of votes so cast, the names of the persons nominated, and such other information as the Secretary may request. All nominations shall be submitted to the Secretary on or before the 20th day of July.

(2) Each nominee shall be a producer in the grower district from which he is nominated. In voting for nominees, each producer shall be entitled to cast one vote for each nominee in each of the districts in which he or she is a producer. At least two of the nominees for member and their alternates shall be affiliated with a bona fide cooperative marketing organization, and at least two member nominees and their alternates shall not be so affiliated.

(b) *Shipper members.* (1) The committee shall give public notice of a meeting for bona fide cooperative marketing organizations which are handlers, and a meeting for other handlers who are not so affiliated, to be held not later than July 10 of each year, for the purpose of making nominations for shipper members and their alternates. The committee, with the approval of the Secretary, shall prescribe uniform rules to govern each such meeting and balloting thereat. The chairman of each such meeting shall publicly announce at the meeting the names of the persons nominated and the chairman and secretary of each such meeting shall transmit to the Secretary their certification as to the number of votes cast, the weight by volume of those shipments voted, and such other information as the Secretary may request. All nominations shall be submitted to the Secretary on or before the 20th day of July.

(2) Nominations of at least two members and their alternates shall be made by bona fide cooperative marketing organizations which are handlers. Nominations of at least two members and their alternates shall be made by handlers who are not so affiliated. In voting for nominees, each handler or his or her authorized representative shall be entitled to cast one vote, which shall be weighted by the volume of fruit shipped by such handler during the then current fiscal period.

§ 913.18 Selection.

(a) The initial members of the committee and their respective alternates shall be the members and alternates of the Citrus Administrative Committee under Order No. 905 (7 CFR Part 905) who are representing the Interior District and who are serving on the effective date of this amendment. Each member and alternate shall serve until a successor has been selected and qualified.

(b) *Successor grower members.* From the nominations made pursuant to § 913.17(a) or from other qualified persons, the Secretary shall select one member and one alternate member each to represent Grower Districts 2 and 3, two members and two alternates to represent Grower District 1, three members and three alternates to represent Grower District 4, or such other number of members and alternate members from each district as may be prescribed pursuant to § 913.14. At least two such members and their alternates shall be affiliated with bona fide cooperative marketing organizations, and at least two such

members and their alternates shall not be so affiliated.

(c) *Successor shipper members.* From the nominations made pursuant to § 913.17(b) or from other qualified persons, the Secretary shall select members and alternates of the committee. At least two members and their alternates shall represent bona fide cooperative marketing organizations which are handlers, and at least two members and their alternates shall represent handlers who are not so affiliated.

§ 913.19 Failure to nominate.

In the event nominations for a member or alternate member of the committee are not made pursuant to the provisions of § 913.17, the Secretary may select such member or alternate member without regard to nominations.

§ 913.20 Acceptance of membership.

Any person selected by the Secretary as a member or alternate member of the committee shall qualify by filing a written acceptance with the Secretary within 10 days after being notified of such selection.

§ 913.20 [Redesignated as § 913.15]

8. Section 913.21 is revised to read:

§ 913.21 Inability of members to serve.

(a) An alternate for a member of the committee shall act in the place and stead of such member (1) in his or her absence, or (2) in the event of his or her removal, resignation, disqualification, or death, and until a successor for his or her unexpired term has been selected.

(b) In the event of the death, removal, resignation, or disqualification of any person selected by the Secretary as a member or an alternate member of the committee, a successor for the unexpired term of such person shall be selected by the Secretary. Such selection may be made without regard to the provisions of this part as to nominations.

9. Section 913.31 is revised to read:

§ 913.31 Assessments.

(a) Each handler who first handles fruit shall pay to the committee, upon demand, such handler's pro rata share of the expenses which the Secretary finds are reasonable and likely to be incurred by such committee for its maintenance and functioning during each fiscal period. Each such handler's share of such expenses shall be that proportion thereof which the total quantity of fruit shipped to destinations outside the regulation area but within the 48 contiguous States of the United States (including the District of Columbia), Canada, or Mexico by such handler as the first handler thereof during the applicable fiscal period is of the total quantity of fruit so shipped by all handlers during the same fiscal period: *Provided,* That if the computation of the prorate bases of handlers includes all fruit handled as specified pursuant to § 913.43(e), each handler's pro rata share shall be the proportion his or her total shipments bear to the total shipments of all handlers. The Secretary shall fix the rate of assessment per standard packed carton of fruit to be paid by each such handler. The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) At any time during or after the fiscal period, the Secretary may increase the rate of assessment so that the sum of money collected pursuant to the provisions of this section shall be adequate to cover the said expenses. Such increase shall be applicable to all fruit shipped to the applicable destinations during the given fiscal period. In order to provide funds to carry out the functions of the committee, handlers may make advance payment of assessments.

10. Sections 913.41 and 913.42 are revised to read:

§ 913.41 Recommendation for volume regulation.

(a) The committee may, during any week, recommend to the Secretary the total quantity of grapefruit which it deems advisable to be handled to destinations outside the regulation area but within the 48 contiguous States of the United States (including the District of Columbia), Canada, or Mexico during the next succeeding week: *Provided,* That volume regulations shall not be recommended after such regulations have been effective for an aggregate of 14 weeks during any fiscal period.

(b) In making its recommendation, the committee shall give due consideration to the following factors:

(1) Market prices for grapefruit;

(2) Supply, maturity, and conditions of grapefruit in the production area;

(3) Market prices and supplies of citrus fruits from competitive producing areas, and supplies of other competitive fruits;

(4) Trend and level in consumer income; and

(5) Other relevant factors.

(c) At any time during a week for which the Secretary, pursuant to § 913.42, has fixed the quantity of grapefruit which may be so handled, the committee may recommend to the Secretary that such quantity be increased for such week. Each such recommendation, together with the committee's reason for such recommendation, shall be submitted promptly to the Secretary.

§ 913.42 Issuance of volume regulation.

Whenever the Secretary finds, from information submitted by the committee, or from other available information, that to limit the quantity of grapefruit which may be handled to destinations outside the regulation area but within the 48 contiguous States of the United States (including the District of Columbia), Canada, or Mexico during a specified week will tend to effectuate the declared policy of the act, he shall fix such quantity: *Provided,* That such regulations during each fiscal period shall not in the aggregate limit the volume of grapefruit shipments for more than 14 weeks. The quantity so fixed for any week may be increased by the Secretary at any time during such week. Such regulations may, as authorized by the act, be made effective irrespective of whether the season average price of grapefruit is in excess of the parity price of grapefruit specified therefor in the act. The Secretary may upon the recommendation of the committee, or upon other available information, terminate or suspend any regulation at any time.

11. Section 913.43 is revised to read:

§ 913.43 Prorate bases.

(a) Each person who desires to handle grapefruit shall submit to the committee, at such time and in such manner as may be designated by the committee, and upon forms made available by it, a written application for a prorate base and for allotments as provided in this section and § 913.44.

(b) Such application shall be substantiated in such manner and shall be supported by such information as the committee may require.

(c) The committee shall determine the accuracy of the information submitted pursuant to this section. Whenever the committee finds that there is an error, omission, or inaccuracy in any such information, it shall correct the same and shall give the person who submitted the information a reasonable opportunity to discuss with the committee the factors considered in making the correction.

(d) Each week during the marketing season when volume regulation is likely to be recommended for the following week, the committee shall compute a prorate base for each handler who has made application in accordance with the provisions of this section. The prorate base for each such handler shall be computed by adding together the handler's shipments of grapefruit to destinations outside the regulation area in the 48 contiguous

States of the United States (including the District of Columbia), Canada, or Mexico in the current season and his shipments to such destinations in the immediately preceding seasons, if any, within the representative period, in which he shipped grapefruit and dividing such total by a divisor computed by adding together the number of weeks elapsed in the current season and 51 weeks for each of such immediately preceding seasons within the representative period in which the handler so shipped grapefruit. For purposes of this section "representative period" means the three preceding seasons together with the current season; the term "season" means the 51 week period beginning with the first full week in August of any year; and the term "current season" means the period beginning with the first full week in August of the current fiscal period through the fourth full week preceding the week of regulation: *Provided*, That when official shipping records are available to the committee the term "current season" shall extend through the third full week preceding the week of regulation.

(e) If the committee determines that it is desirable and appropriate to include in the computation of prorate bases of handlers all grapefruit handled during the representative period by each handler applicant, it may, upon the approval of the Secretary, include all such fruit in such computation.

§ 913.45 [Amended]

12. In § 913.45 *Overshipment* the references to "500 boxes" and "1,000 boxes", respectively, are changed to "1,000 cartons" and "2,000 cartons", respectively.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Effective date: March 14, 1979.

Signed at Washington, D.C., on: February 2, 1979.

P. R. "BOBBY" SMITH,
Assistant Secretary for Marketing Services.

[FR Doc. 79-4635 Filed 2-9-79; 8:45 am]

[6750-01-M]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket 8992-o]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Coca-Cola Bottling Co., of New York, Inc.

AGENCY: Federal Trade Commission.

ACTION: Dismissal Order.

SUMMARY: This order dismisses a complaint issued against a New York City producer and marketer of various products, including soft drinks and wine, for alleged violations of Section 7 of the Clayton Act and Section 5 of the Federal Trade Commission Act. The Commission, in dismissing the complaint, held that evidence failed to establish that the firm's merger with Franzia Bros. Winery would substantially lessen competition.

DATES: Complaint issued Sept. 10, 1974. Dismissal order issued Jan. 23, 1979.*

FOR FURTHER INFORMATION CONTACT:

Joseph S. Brownman, FTC/CSH, Washington, D.C. (202) 724-1679.

SUPPLEMENTARY INFORMATION: In the Matter of Coca-Cola Bottling Company of New York, Inc., a corporation.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18)

The final order of dismissal is as follows:

FINAL ORDER

This matter has been heard by the Commission upon the appeal of complaint counsel from the initial decision and upon briefs and oral argument in support of and in opposition to the appeal. For the reasons stated in the accompanying Opinion, the Commission has denied the appeal. Therefore,

It is ordered, That pp. 1-99 of the Initial Decision of the administrative law judge be adopted as the Findings of Fact of the Commission, except for Finding 65, final two sentences; Findings 210-211; Finding 237; Finding 332; and after changing in Finding 145, line 4, "two" to "one" and deleting "(1) That there are many actual or potential distributors available for wine producers and * * *". In addition, these findings and initial decision, pp. 100-112 are not adopted to the extent inconsistent with the accompanying opinion,

It is further ordered, That the complaint be dismissed.

By the Commission.

CAROL M. THOMAS,
Secretary.

[FR Doc. 79-4568 Filed 2-9-79; 8:45 am]

*Copies of the Complaint, Initial Decision, Opinion of the Commission and Final Order are filed with the original document.

[6750-01-M]

[Docket No. C-2951]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Zayre Corp.

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, among other things, requires a Framingham, Mass. discount department store chain to cease inducing or receiving discriminatory promotional allowances, services or facilities from its suppliers; and would prohibit the firm from boycotting or decreasing its purchases from recalcitrant suppliers. The company is also required to maintain specified records for a five-year period; and bear all costs of any trade show it sponsors, organizes or directs.

DATES: Complaint and order issued January 19, 1979.[1]

FOR FURTHER INFORMATION CONTACT:

Harry Garfield, Acting Director, 2R, Boston Regional Office, Federal Trade Commission, 150 Causeway St., Rm. 1301, Boston, Mass. 02114. (617) 223-6621.

SUPPLEMENTARY INFORMATION: On Tuesday, September 12, 1978, there was published in the FEDERAL REGISTER, 43 FR 40537, a proposed consent agreement with analysis In the Matter of Zayre Corporation, a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions, or objections regarding the proposed form of order.

A comment was filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Sub-

[1] Copies of the Complaint and Decision and Order filed with the original document.

part—Boycotting Seller-Suppliers: § 13.302 Boycotting seller-suppliers. Subpart—Coercing and Intimidating: § 13.370 Suppliers and sellers. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; 13.533-45 Maintain records. Subpart—Discriminating In Price Under Section 5, Federal Trade Commission Act: § 13.892 Knowingly inducing or receiving discriminating payments. Subpart—Enforcing Dealings or Payments Wrongfully: § 13.1045 Enforcing dealings or payments wrongfully.

(Sec. 6, 38 Stat. 721; (15 U.S.C. 46). Interprets or applies sec. 5, 38 Stat. 719, as amended; (15 U.S.C. 45))

By the Commission.

CAROL M. THOMAS,
Secretary.

[FR Doc. 79-4606 Filed 2-9-79; 8:45 am]

[7040-01-M]

Title 18—Conservation of Power, Water Resources

CHAPTER VIII—SUSQUEHANNA RIVER BASIN COMMISSION

PART 803—REVIEW OF PRODUCTS

Water Conservation Policy and Standards for the Susquehanna River Basin

AGENCY: Susquehanna River Basin Commission.

ACTION. Final rule.

SUMMARY: The Commission by this action establishes a water conservation policy requiring new users and suppliers to maximize their water use efficiency by using available, feasible water conservation technology. Existing water users and suppliers would also have to comply with the conservation requirement within a reasonable time. In conjunction with adoption of the policy, the Commission by this action also amends its regulations governing review of projects.

DATE: Effective January 11, 1979.

FOR FURTHER INFORMATION CONTACT:

Robert J. Bielo, Executive Director, Susquehanna River Basin Commission, 1721 N. Front Street, Harrisburg, Pa, 17102, (717) 238-0422.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking and public hearing was published in the FEDERAL REGISTER on October 12, 1978 (43 FR 46980).

COMMENTS RECEIVED AND RESPONSES: Several comments were received in regard to the proposed policy and standards. A summary of the comments and the Commission's responses follow:

1. *Comment:* Water meters are not always practical measuring devices of industrial water use within an industrial manufacturing or processing system.

Response: The Commission amended Section 803.63(b)(2) by deleting the words, "Install meters as necessary * * *," and substituting the words, "Install meters or other suitable devices or utilize acceptable flow measuring methods * * *"

2. *Comment:* The standards are vague and undefined, or the standards are too specific for certain users and suppliers.

Response: There is a need to retain flexibility, and, therefore, many requirements were purposely left in general form. This is recognition on the part of the Commission that conservation methods must be molded to fit the individual needs and systems of public water suppliers, industrial users and agricultural users, and gives the Commission the flexibility to accept proposals from sponsors which introduce new ideas and concepts. The Commission will study each applicant's situation to assure that the regulation's application is reasonable in the light of the objectives the Commission seeks to achieve.

3. *Comment:* Regulations are unnecessary because consumptive use is the real concern which the Commission has already addressed in other regulations.

Response: Even if a particular use is not consumptive, there is a potential for loss in the withdrawal and circulation system due to leakage and evaporation. Certainly not all of the water lost through such occurrences finds its way back into the basin.

More importantly, the temporary withdrawal of water from the system makes that much less available for use within the system. Water may not always be returned at the point of taking, placing a hardship on the reach of stream in between taking and discharge. Further, water returning may not be of the same quality or usability. It may be returned at a higher temperature or it may contain chemical or biological pollutants. All of these considerations as well as the need to save energy and reduce treatment costs favor the implementation of a water conservation policy applicable to nonconsumptive uses.

4. *Comment:* There is no need for regulation of industrial water use since there is sufficient economic incentive for conservation.

Response: The Commission recognizes that economic incentives, brought about primarily by rising energy costs, have prompted water conservation by many users, particularly industrial users. To the extent this has occurred, the Commission's policy will be complementary, and it does not argue against adoption of the proposed policy. Further energy savings may be experienced as incidental to implementation of water conservation programs and techniques by all users.

5. *Comment:* Costs of installing water conservation devices will exceed savings. New pricing structures will affect municipal revenues. Business and industries will be driven out by new water pricing structures based on conservation.

Response: The water supplier is not asked to directly bear the cost of installing certain water saving devices, but only to require that customers install such devices. As to water conservation pricing, innovative pricing schemes such as "seasonal" or "peak-responsibility" pricing can reduce peaks while requiring peak users to bear the full burden of their consumption pattern. Rather than being arbitrary, such pricing mechanisms bring about a closer relationship between the costs to the users and the benefits received than does either a declining block rate or a flat rate. Additionally, the price charged other systems would more accurately reflect true costs of supplying that water. Second, because of the acknowledged low price elasticity of demand for most classes of water users, modest rate increases will offset most, if not all, of the revenues lost through decreased consumption. Third, from our review of economic development literature, we found no indication that the price (as opposed to the availability) of water is a key variable in all industrial decisions regarding plant location.

6. *Comment:* Energy conservation and wastewater treatment costs are not legitimate concerns of the Commission and are not, therefore, justification for imposing regulations.

Response: Use of energy and the cost of treatment could impinge upon the quality and quantity of the basin's water resources making these legitimate ancillary concerns of the Commission. If more energy is used, then generating facilities in the basin take more water for cooling in order to produce more electricity. Reduction of treatment costs by reducing wastewater flows is a desirable incidental benefit from water conservation.

7. *Comment:* SRBC does not have the statutory authority to promulgate such a policy and standards.

Response: Article 3, Section 3.5(1) of the Susquehanna River Basin Compact, Pub. L. 91-575, 84 Stat. 1509 et seq., provides, inter alia, that, "The

commission shall develop and effectuate plans, policies, and projects relating to water resources, adopt, promote and coordinate policies and standards for water resources conservation, control, utilization, and management." Article 3, Section 3.10 requires that the Commission review and approve projects affecting the water resources of the basin, and the Commission will use these standards to evaluate proposed projects pursuant to this review requirement. Article 15, Section 15.2 gives the Commission the authority to "make and enforce rules and regulations for the effectuation, application and enforcement of the Compact."

8. *Comment:* As applied to existing groundwater users in Pennsylvania, the policy and standards are violative of the due process and just compensation clauses of the fifth and fourteenth amendments of the U.S. Constitution.

Response: Pennsylvania, a common law jurisdiction, applies a doctrine of law to groundwaters which is generally recognized as the American Rule, or reasonable use doctrine of percolating groundwaters. This doctrine recognizes a landowner's right to percolating water in his land to the amount necessary for useful and beneficial purposes on the land from which the water is withdrawn. It does not, however, condone wasting water.

Underlying the Commission's water conservation policy is the management principle of efficient use of water. It is an effort by the Commission to assure continued and future availability of water; not to deny water when and where needed. The Commission's policy would not interfere with existing rights and may, in fact, enhance them.

The water conservation policy adopted by the Commission is as follows:

Now therefore be it resolved that:

1. The Commission hereby adopts a water conservation policy (a) to require new industrial, commercial, municipal and agricultural water users in the Susquehanna River Basin to maximize their water use efficiency by utilizing available, feasible water conservation technologies including the reuse of water, metering, pressure control and other use reduction techniques and (b) to require within reasonable time and as may be feasible existing users adopt similar water conservation practices.

2. To implement this policy, the Commission shall develop a water conservation program consisting of appropriate standards, economic incentives, and measures to promote the public understanding of conservation benefits and costs.

3. The Commission shall coordinate implementation of its conservation program with the appropriate signatory agencies to take full advantage of their ongoing programs and capabilities.

18 CFR Part 803, Subpart D is amended by adding a new section, § 803.63, to read as follows:

* * * * *

§ 803.63 Water Conservation Requirements.

Any project sponsor proposing to withdraw water from surface or groundwater sources or both shall comply with the following requirements:

(a) Public water supply utilities. As circumstances warrant, the utility shall:

(1) Reduce distribution system losses to a level not exceeding 20 percent of the gross withdrawal.

(2) Install meters for all users and/or otherwise establish a program of water conservation that will include:

(i) The installation of water conservation devices, as applicable, by all classes of users;

(ii) Preparation and distribution of literature to customers describing available water conservation techniques; and

(iii) Implementation of a water pricing structure which encourages conservation.

(b) Industrial water users. Industrial users shall:

(1) Establish a company representative to manage plant water use.

(2) Install meters or other suitable devices or utilize acceptable flow measuring methods for accurate determination of water use by various parts of the company operation.

(3) Install flow control devices, which match the needs of the equipment being used for production.

(4) Evaluate and implement applicable recirculation and reuse practices.

(c) Agricultural irrigation. Water users for irrigation purposes shall:

(1) Utilize irrigation systems properly designed for the farm's respective soil characteristics, topography, and cropping systems.

(2) Irrigate for food crops only as necessary to achieve optimum crop production, except in periods of prolonged drought when irrigation is applied to protect against crop failure.

Dated: January 31, 1979.

ROBERT. J. BIELO,
Executive Director.

[FR Doc. 79-4567 Filed 2-9-79; 8:45 am]

[4410-01-M]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Order No. 816-79]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart M—Land and Natural Resources Division

ASSIGNMENT OF LITIGATION RESPONSIBILITIES

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This order reassigns responsibility for civil and criminal litigation involving enforcement of certain federal statutes from the Civil and Criminal Divisions to the Land and Natural Resources Division.

EFFECTIVE DATE: February 1, 1979.

FOR FURTHER INFORMATION CONTACT:

James W. Moorman, Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, (202-633-2701).

By virtue of the authority vested in me by 28 U.S.C. 509 and 510 and 5 U.S.C. 301, Subpart M of Part 0 of Chapter I of Title 28, Code of Federal Regulations, is amended by adding a new paragraph (j) to § 0.65 to read as follows:

§ 0.65 General functions.

* * * * *

(j) Criminal suits and civil penalty and forfeiture actions relating to wildlife law enforcement under the Endangered Species Act of 1973 (16 U.S.C. 1531-1543); the Lacey Act and related provisions (18 U.S.C. 41-44, 47); the Black Bass Act (16 U.S.C. 851-856); the Airborne Hunting Act (16 U.S.C. 742j-1); the Migratory Bird Act (16 U.S.C. 701, *et seq.*); the Wild Horses and Wild Burros Act (16 U.S.C. 1331-1340); the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d); and the Fish and Wildlife Coordination Act (16 U.S.C. 661 *et seq.*).

Dated: February 1, 1979.

GRIFFIN B. BELL,
Attorney General.

[FR Doc. 79-4566 Filed 2-9-79; 8:45 am]

[4910-14-M]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 7-79-1R]

PART 127—SECURITY ZONES

Security Zone—Vicinity of Kennedy Space Center, Merritt Island, Fla.

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This amendment to the Coast Guard's Security Zone regulations establishes the specified area in the vicinity of the Kennedy Space Center, Merritt Island, Florida as a security zone. The security zone is established to prevent interference with or sabotage to any space vehicles landing or being launched from the Kennedy Space Center and to safely control vessel movement within the immediate vicinity of Kennedy Space Center prior to, during, and immediately after the launching or landing of a space vehicle.

EFFECTIVE DATES: This amendment becomes effective March 1, 1979 and is effective until further notice.

FOR FURTHER INFORMATION CONTACT:

LTJG C. T. SCHMINCKE or LTJG S. D. HEATH, c/o Commanding Officer, USCG Marine Safety Office; Room 213, 2831 Talleyrand Avenue, Jacksonville, Florida 32206; Telephone: (904) 791-2648.

SUPPLEMENTARY INFORMATION: Beginning in March 1979, tests will be conducted at Cape Kennedy, FL on the Orbital Lander, Test flights and landings will be conducted periodically during the period between March 1979 and September 1980.

As a result of considerable public interest shown in California and Texas when the Orbital Lander was being tested, it is anticipated that similar interest will exist for the test launchings and landings at Cape Kennedy. Due to this public interest and in the interest of safety during these tests, Kennedy Space Center Security has requested that the existing security zone be expanded. This security zone will be enforced by representatives of the Captain of the Port, Jacksonville, FL. The Captain of the Port will be assisted in enforcing this security zone by the Brevard County Sheriffs Department and the Kennedy Space Center security division.

Prohibited Acts. As provided in the General Security Zone Regulations (33 CFR 127.15) no person or vessel may enter a security zone unless authorized by the Captain of the Port or District Commander.

Penalties. Violation of this security zone will be prosecuted under the authority of 50 USC 191, which provides for the seizure and forfeiture of vessels and imprisonment for up to 10 years and a fine of up to $10,000.

Drafting Information: the principal persons involved in the drafting of the rule making are LTJG C. T. SCHMINCKE, Project Officer, LTJG S. D. HEATH, Port Operations Officer, Marine Safety Office, Jacksonville, Florida 32206; telephone (904) 791-2648; The project attorney is LT. J. M. GRIESBAUM, c/o Commander, Seventh Coast Guard District, 51 SW 1st Avenue, Miami, Florida 33130; telephone (305) 350-5653.

In consideration of the above, Part 127 of Title 33 of the Code of Federal Regulations is amended by adding § 127.701 to read as follows:

§ 127.701 Vicinity, Kennedy Space Center, Merritt Island, FL.

All land, water, and land and water bounded by and within the perimeter commencing at the intersection of the Cape Canaveral Barge Canal and Banana River at position 28-24.55N, 80-39.8W, due West along the Northern shoreline of the Barge Canal for thirteen hundred (1,300) yards, thence due North to position 28-28.7N, 80-40.5W, on Merritt Island, thence on an irregular line from this position to the Eastern shoreline of the Indian River to a position thirteen hundred (1,300) yards South of NASA Causeway at position 28-30.9N, 80-43.7W, (the line from the Barge Canal to the Eastern shoreline of the Indian River is marked by a three (3) strand barbed wire fence), thence North on the shoreline of the Indian River to the NASA Causeway at position 28-31.5N, 80-43.8W. The line will continue West on the Southern shoreline of the NASA Causeway to NASA gate number three (3) (permanent) then North to the Northern shoreline of NASA Causeway and East on the Northern shoreline of the Causeway back to the shoreline on Merritt Island at position 28-31.6N, 80-43.7W, thence Northwesterly along the shoreline to position 28-41.02N, 80-47.17W (Blackpoint), thence due North to Channel marker #6 on the Intracoastal Waterway, thence North Easterly along the Southern edge of Intracoastal Waterway to the Western entrance to Haulover Canal; thence Northeasterly along the Southern edge of Haulover Canal to the Eastern entrance to the Canal, thence due East to a point in the Atlantic Ocean three (3) miles off shore at position 28-44.7N, 80-37.85W, thence Southerly along a line three (3) miles from the coast to wreck buoy "WR6" thence to Port Canaveral Channel lighted Buoy "10" thence Westerly along the Northern edge of the Port Canaveral Channel to the Northeast corner of the intersection of the Cape Canaveral Barge Canal and Intracoastal Waterway in the Banana River at Position 28-24.6N, 80-38.7W Northerly along the east side of the Intracoastal Waterway to NASA Causeway East (Orsino Causeway), thence Westerly along the Southern shoreline of NASA Causeway East to the shoreline on Merritt Island at position 28-31.2N, 80-37.4W, thence South on the shoreline to the starting point. The area designated herein shall be closed to all vessels and persons, except those vessels and persons authorized by Commander, Seventh Coast Guard District, or Captain of the Port, Jacksonville, Florida, whenever space vehicles are to be launched by the United States Government. Closure of the Security Zone, or specified portions of it, will be as specified by Captain of the Port, Jacksonville, FL, in locally promulgated announcements. The closing of the area will be signified by the display of a red ball from a 90-foot pole near the shoreline at approximately 28-35N, 80-34.6W, and from a 90-foot pole near the shoreline at approximately 28-25.3N, 80-35W. Appropriate local Notice to Mariners will also be broadcast on 2670 KHZ.

(40 Stat. 220 as amended (50 U.S.C. 191), Sect. 1; 63 Stat. 503 (14 U.S.C. 91), sec. 6(b)(1); 80 Stat. 937 (49 U.S.C. 1655(b)); E.O. 10173, E.O. 10277, E.O. 10352, E.O. 11249; 3 CFR 1949-1953 Comp. 356, 778, 873; 3 CFR 1964-1965 Comp. 349; 33 CFR Part 6; 49 CFR 1.46(b)).

Dated: January 9, 1979.

J. C. HANSON,
Captain, U.S. Coast Guard, Captain of the Port, Jacksonville, Florida.

[FR Doc. 79-4601 Filed 2-9-79; 8:45 am]

[6712-01-M]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Gen. Docket No. 78-208; FCC 79-67]

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA-PUBLIC FIXED STATIONS

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Providing for the use of single sideband emission A3J (suppressed carrier) on the maritime mobile service radiotelephone frequency 2182 kHz

AGENCY: Federal Communications Commission.

ACTION: Final Order.

SUMMARY: Amendment of the rules to provide for the use of single sideband emission A3J (suppressed carrier) on the maritime mobile service radiotelephone frequency 2182 kHz, effective permissively immediately and mandatorily on May 1, 1979. This action completes a Commission program to shift from double sideband (DSB) to single sideband emission in the band 2000-2850 kHz, initiated in 1968. This amendment also provides improvements in the maritime mobile service distress system.

EFFECTIVE DATE: March 16, 1979.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Walter E. Weaver, Safety & Special Radio Services Bureau, (202) 632-7197.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of Parts 81 and 83—to provide for the use of single sideband emission A3J (suppressed carrier) on the maritime mobile service radiotelephone frequency 2182 kHz; Report and Order (Proceeding Terminated).

Adopted: January 31, 1979.

Released: February 7, 1979.

By the Commission:

1. The Notice of Proposed Rule Making in this proceeding was released on July 21, 1978 (FCC 78-487) and was published in the FEDERAL REGISTER on July 28, 1978 (43 FR 32835). The dates for filing comments and replies have passed.

BACKGROUND

2. In the Notice of Proposed Rule Making we included a comprehensive discussion of the circumstances which caused the Commission to:

—initiate (in 1967 and 1968) its two phase program of (1) shifting short range communications to VHF and (2) converting radiotelephone communications in the 2000-2850 kHz band from double sideband (DSB) to single sideband (SSB) emission;

—provide for the use of full carrier SSB (A3H), particularly on the frequency 2182 kHz, during the transition from DSB to SSB; and

—provide for completion of the transition to SSB by January 1, 1977.

3. In the Notice of Proposed Rule Making we also gave comprehensive consideration to technical and operational matters involved, on the frequency 2182 kHz, in the termination of use of full carrier (A3H) SSB and initiation of service by suppressed carrier (A3J) SSB. It was our intent and we think we did make clear: (1) that a shift to A3J emission on 2182 kHz would support a substantial improvement in safety system communications between vessels at sea and between vessels and shore; (2) that we recognized there would be a small minority of vessels, generally of foreign registry, which would be unable to employ A3J emission; (3) that, however, the inabilities of a small minority should not impede enhancement of the safety system for the large majority. Further, it is our understanding that the U.S. Coast Guard, who favor this rule making, can communicate with foreign vessels on 2182 kHz.

COMMENTS

4. Comments were filed by: American Institute of Merchant Shipping (AIMS), American Telephone and Telegraph Company (AT&T), Bartell Marine Electronics, Beacon Marine Corporation, Bibbins & Rice Electronics, Central Committee on Telecommunications of the American Petroleum Institute (API), CME Incorporated, Communications Associates, Inc., Communications, Inc., Connecticut Marine Electronics, Inc., Dolphin Electronics, Inc., DuBose Marine Radio, Inc., Electronic Services, Inc., Florida Diesel & Marine Service, Inc., Gulf Radiotelephone & Electronics, Inc., Hull Electronics Company, Jerry's Marine Electronics, Jensen Communications, Inc., Konel Corporation, Larry Smith Electronics, Inc., MacDougalls Cape Cod Marine Service, Inc., Marine Electronics and Hardware, Inc., RADCOM, Inc., Radio Technical Committee of the United States Power Squadrons (USPS), R. H. Sassaman Co., Inc., Rockwell International Corporation (Rockwell), Seacoast Electronics, Inc., SGC, Inc., and Technical Electronics Corp.

SUMMARY OF COMMENTS

5. Of the twenty-nine persons filing comments, twenty-six strongly support the proposed rule amendments and urge that they be finalized quickly. AT&T, USPS and Rockwell support the rule making in principle, and offer no objection to the shift of 2182 kHz to A3J emission if that shift is on a permissive basis effective November 1, 1978. Alternatively, if the Commission intends that the shift be on a mandatory basis effective November 1, 1978, AT&T, USPS and Rockwell address practical difficulties which they would face in compliance on such short notice. If the shift is to be made on a mandatory basis, AT&T, USPS and Rockwell suggest:

—AT&T: (1) If the emission on 2182 kHz is to be limited to suppressed carrier (A3J), postpone the effective deadline date for 120 days; and (2) In regard to working frequencies, permit public coast class II-B stations to use either reduced carrier (A3A) or suppressed carrier (A3J).

—USPS: Provide a transition period which, preferably, ends after the winter lay up.

—Rockwell: Provide a transition period of one to two years.

6. *AT&T.* The Notice of Proposed Rule Making did not take into consideration and, thus, did not directly treat the two matters raised by AT&T. We overlooked the fact that the Public Coast Class II-B stations operated by the Bell System companies maintain a watch on 2182 kHz [1] by means of a special function [2] receiver. AT&T states, quite reasonably, that they require 120 days to make changes so that those receivers will operate with A3J emission. As to the second matter, the proposed rules when applied to Public Coast Class II-B stations, inadvertently affect the emission employed on working frequencies used for public correspondence.

7. *USPS,* comments fully support the conversion from emission A3J to emission A3J on 2182 kHz. With regard to a final date after which only emission A3J will be permitted on 2182 kHz, the USPS states that in order to complete a conversion involving a large number of vessels, it is essential that time be provided in which to permit the present users to have their transmitters modified as a part of regular servicing or during at least one winter lay up. On the other hand, if vessels, on a permissive basis, may commence use of emission A3J on 2182 kHz on November 1, 1978, the USPS offers no objection to the program commencing on that date.

8. *ROCKWELL,* [3] in their comments support the conversion from emission

[1] For calls from ship stations desiring to establish communications on the Public Coast Class II-B public correspondence working frequencies.

[2] Designated "CODAN", which for proper operation requires that the transmitting (ship) station provide either a full or a reduced carrier.

[3] Rockwell International acquired Collins Radio Company in 1973. Collins Radio was one of the leaders in the development and marketing of viable single sideband equip-

Footnotes continued on next page

A3H to emission A3J on 2182 kHz, but urge, in regard to a mandatory date for completion of this conversion, that a period of one and preferably two years be provided. On the other hand, Rockwell does not oppose a date such as November 1, 1979, after which emission A3J will be permitted as the preferred (primary) emission to be employed for radiotelephone communications on the frequency 2182 kHz. Rockwell is the only manufacturer of marine equipment which expresses the need for time in which to modify their transmitters in order to convert from emission A3H to emission A3J on 2182 kHz.

9. Rockwell advises that some modification is required to each Rockwell transmitter now in service and, further, advises that it will be necessary to issue instructions and perhaps change kits to effect these modifications. Rockwell suggests, as a means of expediting the transition, that the Commission consider including in this Report and Order a blanket approval of, as relates to type acceptance requirements, these transmitter modifications. Rockwell does not, however, identify the nature of these modifications or provide guidance as to the extent of modification required.

DISPOSITION OF COMMENTS

10. As stated in paragraph 5, above, twenty-six of the commenters strongly supported the proposed rule amendments and urged that they be finalized quickly. The other (3) commenters offered no objection to the proposed amendments if initiated on a permissive basis. We are, therefore, authorizing coast and ship stations to use emission A3J on 2182 kHz effective immediately, as set forth in the attached Appendix. The date for termination of use of emission A3H on 2182 kHz is treated in paragraph 15, below.

11. As summarized above: AT&T advises that they require 120 days in which to modify the receivers with which they guard 2182 kHz at Public Coast II-B stations; USPS advises a transition ending after the winter lay up is preferred; and Rockwell urges a transition of one to two years be provided. The requirements of AT&T and USPS can be satisfied if the transition to A3J emission on 2183 kHz is terminated on April 30, 1979.

12. With regard to the transition requested by Rockwell, we are not persuaded that a transition of one to two years is necessary. While fitted with Rockwell SSB equipment, we would expect that number, relative to the total users of 2182 kHz, to be comparatively small. It seems reasonable to expect that many of those vessels could be converted by April 30, 1979, which would leave an even smaller number of unconverted after April 30, 1979. Rather than provide an extended transition period to accommodate a relatively few vessels, we prefer that Rockwell advise us, for example, during March 1979, of the vessels which will be unconverted on April 30, 1979, and to request a waiver, for a reasonable period of time, beyond that date.

13. Accordingly, as set forth in the attached Appendix, we are adopting the date of April 30, 1979, as the final date for transition from emission A3H to emission A3J on the frequency 2182 kHz by public coast stations and U.S. vessels operating in waters of the United States. This requirement does not change the present and continuing requirement that United States registry vessels transiting international waters, national waters of other countries, or for communication with foreign ship and coast stations, have the capability to employ emission A3H on 2182 kHz.

14. We are not adopting Rockwell's suggestion that we extend a blanket authorization to modify their transmitters to operate emission A3J on 2182 kHz. It is not necessary that we treat that matter in a rule making proceeding. We will, therefore, await receipt from Rockwell of a more detailed description of the nature of these modifications.

15. With regard to AT&T's request that Public Coast II-B stations be permitted to continue to employ emission A3A on their working frequencies, we concur. It is noted that AT&T recently completed extensive modifications, which are based on the use of emission A3A, to improve service at these stations. This rule making was not intended to extend to emissions employed on working frequencies of Public Coast II-B stations. The concerned rules have been amended to correct this inadvertence, as set forth in the attached Appendix.

16. In Appendix B to their comments, AT&T suggests[4] that A3A emission be included aboard vessels mandatorily fitted with a radio-telephone installation pursuant to Subparts S and T of the rules (to comply with Parts II and II of Title III of the Communications Act of 1934, as amended). We are not adopting this suggestion on the basis: (1) that use of emission A3A is limited to ship station transmissions on the working frequencies received by Public Coast Class II-B stations; (2) that the primary safety watch in the 2000-2850 kHz band is provided by the United States Coast Guard on the frequency 2182 kHz where emission A3J is specified; (3) that the guard by Public Coast Class II-B stations on the frequency 2182 kHz will be with emission A3J effective May 1, 1979; (4) that we are continuing the requirement that ship stations provide a capability to transmit and receive with emission A3H; however, this is necessary to assure that the vessel can communicate with foreign coast stations and with vessels of foreign registry; and (5) we do not require that vessels fitted pursuant to Subpart T of the rules communicate with or have the capability to communicate with Public Coast Class II-B stations on their working frequencies. It is our view that an inadequate basis exists to additionally require that the concerned vessels provide the capability to transmit and to receive with emission A3A.

17. In reviewing Parts 81 and 83 as a follow-on of the Notice of Proposed Rule Making in this matter, we note that there are a number of places where changes are required in order to provide uniformity in the rules based on the decisions reached in this proceeding. These changes are of an editorial nature and are included in the attached Appendix.

18. In adopting the change from A3H to A3J on 2182 kHz it is recognized that vessels going on international voyages will have to use A3H on 2182 kHz to communicate with foreign coast stations and foreign ship stations. Such use is permitted by § 83.171.

19. Regarding questions on matters covered by this document contact Walter E. Weaver, (202) 632-7197.

20. Accordingly, *it is ordered*, That pursuant to the authority contained in Section 303 (c), (f), (g), and (r) of the Communications Act of 1934, as amended, Parts 81 and 83 of the Commission's rules ARE AMENDED, as set forth in the attached Appendix, effective March 16, 1979.

21. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

Parts 81 and 83 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

Footnotes continued from last page

ments for use by Government and non-Government stations in the fixed, aviation and maritime services. Collins for many years was, and may still be, one of the stronger advocates of use of the suppressed carrier mode of single sideband. Collins fully supported the Commission's (1968) program to convert maritime radiotelephone communications in the 2000-2850 kHz band from double sideband to single sideband emission. In that proceeding they urged that upon completion, the program result in the use of suppressed carrier emission.

[4] The proposed amendments would be to §§ 83.484, 83.514 and 83.517 of the rules.

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA-PUBLIC FIXED STATIONS

1. § 81.104, paragraphs (b) and (d) are amended to read as follows:

§ 81.104 Facilities required for coast stations.

* * * * *

(b) Each coast station using telephony on frequencies in the band 1605-3500 kHz shall be equipped and licensed to transmit on the frequency 2182 kHz and at least one working frequency in that band.

* * * * *

(d) Each coast station licensed to transmit on frequencies in the band 1605-3500 kHz shall be capable of receiving A3J [1] emission on the frequency 2182 kHz and receiving A3A or A3J on at least one working frequency in that band.

* * * * *

[1] Transition to A3J to be completed on or before April 30, 1979.

2. In § 81.132, paragraphs (a)(2)(i) and (a)(3) are amended to read as follows:

§ 81.132 Authorized classes of emission.

* * * * *

Frequency band	*Classes of emission*
(a)(2) Coast stations using radiotelephony; (i) For frequencies below 23 MHz in § 81.304(a):	
2182 kHz	A3J as specified in 81.304(c).

* * * * *

(a)(3) Marine fixed and marine receiver-test stations:	
2000 to 2850 kHz except for 2182 kHz.	A3A and A3J.
2182 kHz	A3J[1].

[1] Transition to A3J to be completed on or before April 30, 1979.

* * * * *

3. In § 81.134, the table and footnote 1 of paragraph (c)(1) and paragraphs (e) and (g) are amended to read as follows:

§ 81.134 Transmitter power.

* * * * *

(c)(1) * * *

Frequency band (kHz)	Class of Station	Class of emission	Transmitter power
2000 to 4000 [1]	Any	A3A, A3J	800 watts by day. 400 watts by night.
4000 to 27500	Class I	A3A, A3J	50 kilowatts.
	Class II	A3A, A3J	1000 watts.

[1] When using 2182 kHz for purposes other than distress calls and distress traffic, and urgency and safety signals and messages, the carrier power of limited coast stations shall not exceed 50 watts for A3J emission.

* * * * *

(e) For marine fixed and marine receiver-test stations, transmitter power shall not exceed 150 watts for A3A and A3J emissions and 50 watts for F3 emissions.

* * * * *

(g) For coast stations in the Alaska area, transmitter power in the bands below 12,000 kHz shall not exceed the indicated values:

Frequency band (kHz)	Class of emission	Transmitter power (watts)
400-525	A1 and A3, or A3H.	265
1605-12,000 [1]	A1, A3A and A3J	150

[1] When using 2182 kHz for purposes other than distress calls and distress traffic, and urgency and safety signals and messages, the carrier power of limited coast stations shall not exceed 50 watts for A3J emission.

* * * * *

4. In § 81.191, paragraph (c)(1) is amended to read as follows:

§ 81.191 Radiotelephone watch by coast stations.

* * * * *

(c)(1) Each public coast station licensed to transmit by telephony on one or more frequencies within the band 1605 to 3500 kHz shall, during its hours of service for telephony, maintain an efficient watch for reception of A3J [1] emission on the carrier frequency 2182 kHz whenever such station is not being used for transmission on that frequency: *Provided*, That the Commission may exempt any coast station from compliance with this requirement if it considers that the frequency 2182 kHz is adequately guarded by other stations or that circumstances relative to the operation or location of the involved coast stations are such as to render this requirement unreasonable or unnecessary for the purpose of this paragraph. The watch referred to in this subparagraph will not be deemed "efficient" unless the coast station is capable of normally receiving A3J [1] emission on 2182 kHz for mobile stations within the associated working frequency service area of the coast station, including periods of time when the coast station is transmitting on any other authorized frequency.

[1] The transition from emission A3H to emission A3J shall be completed on or before April 30, 1979.

* * * * *

5. In § 81.304, paragraph (c) is amended to read as follows and paragraph (d) is deleted and designated Reserved.

§ 81.304 Frequencies available.

* * * * *

(c) Except as provided in Section 81.142(d) and 81.191(c)(1), public coast stations are required to have the capabilities of using A3A, A3H, and A3J emission.

* * * * *

(d) [Reserved]

* * * * *

6. In § 81.360, paragraph (a)(1)(v) is amended to read as follows:

§ 81.360 Frequencies available below 4000 kHz.

* * * * *

(a)(1)(v) On 2182 kHz, limited coast stations are required to have the capability to receive A3J [1] emission.

* * * * *

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

§ 83.104 [Amended]

1. In § 83.104, subparagraph (i) is deleted.

2. In § 83.106, paragraph (a) is amended to read as follows:

§ 83.106 Required frequencies for radiotelephony.

(a) Each ship radiotelephone station licensed to operate in the band 1605 to 3500 kHz shall be able to receive and transmit the emission A3J [2] on the car-

[1] The transition from A3H emission to A3J emission shall be completed on or before April 30, 1979.

[2] Capability for A3J emission 2182 kHz shall be completed on or before April 30, 1979.

rier frequency 2182 kHz. Ship stations are, additionally, authorized to receive and transmit using emission A3H for communications with foreign coast stations and with vessels of foreign registry. If the station is used for other than safety communications, it shall be capable also of receiving and transmitting the emission A3A and A3J on at least two other frequencies in that band. For ship stations on vessels operating (1) exclusively on the Mississippi River and its connecting waterways, and (2) also on high frequency bands above 3500 kHz, such stations may be equipped with only one, instead of two, other frequencies within the band 1605–3500 kHz in addition to the frequency 2182 kHz.

* * * * *

3. In § 83.132, paragraph (a)(2)(i) is amended to read as follows:

§ 83.132 Authorized classes of emission.

* * * * *

Frequency band	*Classes of emission*
* * * * *	
(a)(2) Stations using radiotelephony: (i) For frequencies below 23 MHz designated in § 83.351:	
2182 kHz	A3J [1] [2].
All other frequencies	A3A, A3J [3].

[1] Ship stations are, additionally, authorized to receive and transmit using emission A3H for communication with foreign coast stations and with vessels of foreign registry.
[2] The transition to emission A3J shall be completed on or before April 30, 1979.
[3] Additionally, emission A3H is authorized on 3023.5 and 5680 kHz until February 1, 1982.

* * * * *

4. In § 83.201, paragraph (b) is amended to read as follows:

§ 83.201 Watch required during silence periods.

* * * * *

(b) Except for stations on board vessels required by law to be fitted with radiotelegraph equipment, each ship station licensed to transmit by telephony on one or more frequencies within the band 1605–3500 kHz shall, during its hours of service for telephony, maintain an efficient watch on the authorized carrier frequency 2182 kHz, whenever such station is not being used for transmission on that frequency or for communication on other frequencies in this band. Such watch shall, insofar as possible, be maintained at least twice each hour for 3 minutes commencing at x h. 00 and x h. 30, Greenwich mean time. Except for messages of distress, urgency and vital navigational warnings, ship stations shall not transmit on 2182 kHz during the silence periods.

5. In § 83.233, the table is amended to read as follows:

§ 83.233 Frequencies for use in distress.

In case of distress, mobile stations shall, in the bands set forth below, use the frequencies specified when requesting assistance from the maritime service. The preferred types of emission are shown. When a ship station cannot transmit on the designated frequency, it shall use any available frequency on which attention might be attracted.

Frequency band	Emission	Carrier frequency
405–535 kHz	A2	500 kHz [2].
1605–3500 kHz	A3J [1]	2182 kHz.
118–135 MHz	A2, A3, A9	121.5 MHz.
	A3	123.1 MHz.
156–162 MHz	F3	156.8 MHz.
225–399.9 MHz	A9	243 MHz.

[1] Capability for A3J emission on 2182 kHz shall be completed on or before April 30, 1979.
[2] The maximum transmitter power obtainable shall be used.

6. In § 83.242, paragraph (b) is amended to read as follows:

§ 83.242 Transmission of distress message by a station not itself in distress.

* * * * *

(b) The transmission of a distress message under the conditions prescribed in paragraph (a) of this section shall be made on either or all of the international distress frequencies (500 kHz radiotelegraph; 2182 kHz or 156.8 MHz radiotelephone) or on any other available frequency on which attention might be attracted.

* * * * *

7. In § 83.248, paragraph (a) is amended to read as follows:

§ 83.248 Urgency message.

(a) The urgency signal and call, and the message following it, shall be sent on one of the international distress frequencies (500 kHz radiotelegraph; 2182 kHz or 156.8 MHz radiotelephone). However, stations which cannot transmit on a distress frequency may use any other available frequency on which attention might be attracted.

* * * * *

8. In § 83.249, paragraph (d) is amended to read as follows:

§ 83.249 Safety signals.

* * * * *

(d) The safety signal and call shall be sent on one of the international distress frequencies (500 kHz radiotelegraph; 2182 kHz or 156.8 MHz radiotelephone). However, stations which cannot transmit on a distress frequency may use any other available frequency on which attention might be attracted.

9. In § 83.365, paragraph (a)(4) is amended to read as follows:

§ 83.365 Procedure in testing.

* * * * *

(a)(4) Testing of transmitters shall, insofar as practicable, be confined to working frequencies without two way communications. However, 2182 kHz and 156.8 MHz may be used to contact other ship or coast stations when signal reports are necessary. U.S. Coast Guard stations may be contacted on 2182 kHz for test purposes only:

(i) When tests are being conducted during inspections by Commission representatives or when qualified radio technicians are installing equipment or correcting deficiencies in the station radiotelephone equipment. In these cases the test shall be identified as "FCC" or "technical" and logged accordingly; or

(ii) (As an interim measure pending final resolution in Docket No. 21089.) When short tests, by vessels which continue to rely upon the use of DSB equipment for distress and safety purposes, are required as a means to evaluate the compatibility of that equipment with an SSB emission A3J system.

* * * * *

10. § 83.484, paragraphs (a) and (d)(2) are amended to read as follows:

§ 83.484 Radiotelephone transmitter.

(a) The transmitter shall be capable of effective transmission of A3H and A3J [1] emissions on 2182 kHz, 2638 kHz,

[1] Capability for A3J emission on 2182 kHz shall be completed on or before April 30, 1979.

in accordance with § 83.351, and at least two other frequencies within the band 1605 to 3500 kHz available for ship-to-shore or ship-to-ship communication.

* * * * *

(d) * * *

(2) The transmitter has been demonstrated, or is of a type which has been demonstrated, to the satisfaction of the Commission as capable, with normal operating voltages applied, of delivering not less than 50 watts peak envelope power for A3H and A3J [1] emissions on each of the frequencies 2182 and 2638 kHz into either an artificial antenna consisting of a series network of 10 Ohms effective resistance and 200 picofarads capacitance or an artificial antenna of 50 Ohms nominal impedance; *Provided, however,* That an individual demonstration of the power output capability of the transmitter, with the radiotelephone installation normally installed on board ship, may be required whenever in the judgment of the Commission this is deemed necessary.

* * * * *

11. In § 83.488, paragraph (a) is amended to read as follows:

§ 83.488 Radiotelephone receivers.

(a) The receiver used for maintaining the watch required by §§ 83.202(b) and 83.203(b) shall be capable of effective reception of A3H and A3J [1] emissions, shall be connected to the antenna system specified by § 83.494, and shall be preset to, and capable of accurate and convenient selection of, the frequencies 2182 kHz, 2638 kHz, and the receiving frequencies associated with the transmitting frequencies provided pursuant to § 83.484(a).

* * * * *

12. In § 83.514, paragraph (a)(1) is amended to read as follows:

§ 83.514 Radiotelephone installation.

(a)(1) The radiotelephone installation shall include a transmitter capable of effective transmission of A3H and A3J [1] emissions and a receiver capable of effective reception of A3H and A3J emissions within the band 1605 to 2850 kHz; or alternatively, if the vessel is within communication range of a public coast station or U.S. Coast Guard station operating in the band 156 to 162 MHz which maintains an efficient watch for the reception of F3 emission on 156.8 MHz at all times while the vessel is navigated in waters specified in § 83.511, and the vessel while so navigated is never more than 20 nautical miles from a 156.800 MHz receiving location of such station, the radiotelephone installation may, in lieu of medium frequency equipment, including a transmitter and receiver capable of effective transmission and reception of F3 emission within the band 156 to 162 MHz.

* * * * *

13. In § 83.517, paragraphs (a) and (c)(2) are amended to read as follows:

§ 83.517 Medium frequency transmitter.

(a) The transmitter shall have a peak envelope output power of at least 50 watts for A3H and A3J [1] emissions on 2182 kHz, in accordance with § 83.351, and at least one ship-to-shore working frequency within the band 1605 to 2850 kHz enabling communication with a public coast station serving the region in which the vessel is navigated.

* * * * *

(c)(2) The transmitter has been demonstrated, or is of a type which has been demonstrated, to the satisfaction of the Commission as capable, with normal operating voltages applied, of delivering not less than 50 watts peak envelope power for A3H and A3J emissions on each of the frequencies 2182 and 2638 kHz into either an artificial antenna consisting of a series network of 10 Ohms effective resistance and 200 picofarads capacitance or an artificial antenna of 50 Ohms nominal impedance; *Provided, however,* That an individual demonstration of the power output capability of the transmitter, with the radiotelephone installation normally installed on board ship, may be required whenever in the judgment of the Commission this is deemed necessary.

14. In § 83.519, paragraph (a) is amended to read as follows:

§ 83.519 Radiotelephone receivers.

(a) If a medium frequency radiotelephone installation is provided, the receiver used for maintaining the watch required by § 83.202(c) shall be capable of effective reception of A3H and A3J emissions, shall be connected to the antenna system specified by § 83.526, and shall be preset to, and capable of accurate and convenient selection of, the frequencies 2182 kHz, 2638 kHz, and the receiving frequency(s) associated with the ship-to-shore transmitting frequency(s) provided pursuant to § 83.517(a).

* * * * *

[FR Doc. 79-4586 Filed 2-9-79; 8:45 am]

[1] Capability for A3J emission of 2182 KHz shall be completed on or before April 30, 1979.

[6712-01-M]

[Docket No. 19665; FCC 79-66]

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Providing Frequencies, Standards and Procedures for On-Board Communications in the Industrial and Maritime Services

AGENCY: Federal Communications Commission.

ACTION: Final Rule.

SUMMARY: This rulemaking provides for the use of non-voice communications on on-board frequencies in the maritime mobile radio service. Provisions for non-voice on-board communications (communications within the confines or immediate vicinity of a vessel) were requested in comments filed in response to the initial Notice of Proposed Rule Making in this proceeding. The additional communications capability is intended to provide for actuation of certain remote devices on-board ships.

EFFECTIVE DATE: March 16, 1979.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Walter E. Weaver, Safety and Special Radio Services Bureau, (202) 632-7197.

SUPPLEMENTARY INFORMATION: In the matter of amendments of Parts 2, 81, 83 and 91—to provide frequencies, standards and procedures for on-board communications in the Industrial and Maritime Services; Second Report and Order (Proceeding Terminated).

Adopted: January 31, 1979.

Released: February 7, 1979.

By the Commission:

1. A tabulation of the documents released by the Commission in this proceeding is set forth below:

Classification	Released date	FCC No.	Federal Register reference No.	Federal Register date
Notice of Proposed Rule Making	Jan. 9, 1973	FCC 73-6	38 FR 1513	Jan. 15, 1973.
First Report and Order	Sept. 6, 1973	FCC 73-884 (42 FCC 2d 746).	38 FR 25177	Sept. 12, 1973.
Further Notice of Proposed Rule Making.	Sept. 6, 1973	FCC 73-885 (42 FCC 2d 761).	38 FR 25196	Sept. 12, 1973.

Classification	Released date	FCC No.	Federal Register reference No.	Federal Register date
Order	Oct. 18, 1973 [1]		38 FR 29618	Oct. 29, 1973.
Memorandum Opinion and Order.	Jan. 27, 1978 [2]	FCC 78-29	43 FR 4200	Feb. 1, 1978.

[1] A 2 week extension was requested on Oct. 10, 1973, by the Central Committee on Communication Facilities of the American Petroleum Institute, which was granted in this Order.

[2] Requests for Reconsideration were filed on Oct. 10, 1973, by the Central Committee on Communication Facilities of the American Petroleum Institute and on Oct. 12, 1973, by the American Institute of Merchant Shipping, which were considered and treated in this Memorandum Opinion and Order.

BACKGROUND

2. The rulemaking in this proceeding was initiated to fulfill the recommendations of Special Committee 62 of the Radio Technical Commission for Marine Services (RTCM). RTCM is an Industry/Government advisory group of persons associated with the maritime services. Special Committee 62 (SC 62) was formed to consider and to make recommendations in regard to operational and technical matters involved in the use of on-board communications aboard ship. The first meeting of SC 62 was held on April 30, 1969, and the final meeting was held on June 2, 1972. The Report of SC 62 is dated January 18, 1973.

3. In general, on-board communications are those which occur within the confines of a vessel, or are within the immediate vicinity of that vessel. They involve voice communications for the most part however, there is a requirement to also use those same frequencies for non-voice communications (emission F2), intended primarily to provide a radio signalling facility which will actuate remote devices from a central location. Such uses include those functions having to do with operational maneuvering and navigation of the vessel. Because these functions can have major impact upon the safety of life and property, it is agreed that the transmitted control signals must be unambiguous and distinctive, in order that their effect is limited to the vessel for which they are intended.

4. The Further Notice of Proposed Rule Making is directed to the coded information for an F2 transmittal signal which is unambiguous and distinctive. To attain that objective, it is, in our view, necessary to prescribe the coding and technical standards applicable to this signalling system. New Section 83.835, set forth in the attached Appendix, is limited to technical considerations having to do with assuring that the transmitted control signals are unambiguous and distinctive and, thereby, to assure that the functional directives transmitted are limited to the vessel for which they are intended.

COMMENTERS

5. Timely comments were filed by the Central Committee on Communication Facilities of the American Petroleum Institute (API) and the American Institute of Merchant Shipping (AIMS). No other comments were filed.

DISCUSSION AND DISPOSITION

6. API and AIMS, in response to the Notice of Proposed Rule Making (FCC 73-6), urged the Commission to also authorize the use of emission F2 for certain intraship non-voice functions. To comply with that request the Commission released its Further Notice of Proposed Rule Making to promulgate the proposed rules and to afford the public opportunity to comment thereon.

7. In their comments, API states, "The Central Committee is not thoroughly convinced that rigid rules and standards to govern the use of non-voice emission with on-board stations should be adopted at this time." API also states, "The Commission is urged to adopt at an early date those rules it has proposed to govern the use of non-voice emissions with on-board stations." Since API does not suggest or request any changes to the proposed rules, but does urge that they be adopted as proposed, we are construing API's comments as support for adoption of the proposed rules without change.

8. In their comments, AIMS expresses their continued support of the rulemaking, that is, that "The use of non-voice (F2) emissions on the frequencies allocated for on-board communications is a vital and necessary additional facility to the on-board communication service." Further, AIMS states their agreement "with the Commission that the coded information for the F2 transmitted signal must be unambiguous and distinctive." In their comments in response to the Notice of Proposed Rule Making (FCC 73-6), concerning the industry need that the Commission provide for non-voice emissions, AIMS set forth only one function, that we provide for the use of a radio-controlled anchor drop system. Provision for this system was included in the Further Notice of Proposed Rule Making.

9. In their comments to the Further Notice of Proposed Rule Making, AIMS summarizes their view of the major requirements and features of the new non-voice facility, that is: "in principle, non-voice communications are intended primarily to provide a radio signalling facility which will actuate remote devices from a central location. (A secondary use is to actuate a centrally located device from various remote locations; this is considered to be essentially identical to the primary use.)" Within that framework, AIMS expands the radio-control non-voice functions to include the following:

a. Shirt pocket indicators (i.e., radio pagers);

b. Five or six different commands (i.e., crane controls);

c. Devices requiring perhaps 50 commands (automated cargo transfer operation); and

d. Devices requiring commands and other information (e.g., monitoring system containing data readouts).

10. To assure that we do not lose sight of the original industry need for and purpose for which the Commission provided frequencies for on-board communications, we refer to the report prepared by the Radio Technical Commission for Marine Services (Special Committee 62) on On-Board Communications, dated January 18, 1973, and therein to that part of the report which sets forth the points of communication, in particular, to paragraph 7.0, which reads:

7.0 There was unanimous agreement in the Committee that "on-board" communications should be available to meet all of the voice communication needs for internal communication *within* the confines of a vessel. There was less than complete agreement in regard to use of "on-board" communications for various purposes beyond the limits of a vessel.

11. We refer, further, to paragraphs 7.4 and 7.4.1 of the same part of that report, which read:

7.4 There was general agreement that "on-board facilities should be available for other vessel internal communications of brief duration," such as paging, cordless microphone and radio remote supervisory control transmissions.

7.4.1 With regard to radio remote supervisory control transmissions, the Committee discussions were directed, for the most part, to the function of dropping the anchor. It was recognized that with overlapping signal levels in restricted waters, such as ports, harbors, and waterways, that transmission would have to employ a system of coding distinctive for each vessel, in order to avoid the dropping of anchors of other vessels. It was anticipated that as the system of radio remote control developed there could be a larger number of functions carried out aboard ship, tugs and barges

by such a system, possibly causing undue interference.

12. It is our opinion that the basic requirement for on-board communications is for a two-way voice system. While we are firmly of the view that the limited number of channels available for on-board communications should not be opened up for on-board telemetry or radio remote control applications, we feel that the public interest requires that provision be included in the rules for the execution, by radio remote control, of operational commands relating to the maneuvering or navigation of a vessel. In that regard, the comments of both API and AIMS, in response to the Notice of Proposed Rule Making (FCC 73-6), specifically urged provision be included in the rules to permit the use of a radio remote controlled anchor-drop system. Our general concurrence with this approach is discussed in paragraphs 11 through 14 of the First Report and Order (FCC 73-884). More specifically, in the Further Notice of Proposed Rule Making (FCC 73-885) we proposed a system permitting the use of the on-board channels, through a radio remote control system, for a multiplicity of vessel operational commands, which includes the use of radio remote control anchor-drop systems as urged by API and AIMS.

13. In the Notice of Proposed Rule Making (FCC 73-6) we did not include provisions for the use of radio paging or for cordless microphones. In the comments filed in response thereto, no person requested that provision be made for the use of either of these devices. In the First Report and Order (FCC 73-884) we did not include provision for the use of either or both of these two devices. There are two reasons why provision for the use of these devices was not included in the Notice of Proposed Rule Making (FCC 73-6) or in the First Report and Order (FCC 73-884). First, experience in the Land Mobile Services has brought us to the conclusion that two-way communications and radio paging on the same frequency are not satisfactory.[1] Second, the work of RTCM Special Committee 62 extended over a period of four years, was participated in by all segments of the industry, did develop a need for voice paging (F3), but did not develop a need for a signalling system (F2) for paging.

14. We recognize, of course, that the types of uses set forth in the RTCM Report on On-Board Communications will change as the needs of the industry change. If there is an industry need for an (F2) signalling system for paging, it will have to be documented in a convincing manner. We will at that time examine further the matter of compatibility of two-way communications and paging, together with the impact which the use of (F2) paging would have upon on-board communications. We are, therefore, not adopting at this time AIMS recommendation that provision be included in the rules for the use of (F2) radio pagers.

15. As listed in paragraph 9, above, AIMS also urges that the permitted uses of radio remote control on on-board channels be expanded to include devices for "crane controls" and for "automated cargo transfer operation." As stated in paragraph 9, above, it is our view that these channels should not be opened up for radio remote control. With regard to these two uses, we have no basis to presume that these uses, singly or together, would be compatible with a two-way voice communication system. Further, we discussed in detail in the First Report and Order (FCC 73-884) the reasons why we did not propose to authorize use of the on-board channels for the loading or unloading of cargo. Accordingly, we are rejecting AIMS recommendation that provision be included in the rules permitting the use of F2 emission for radio remote control for "crane controls" and for "automated cargo transfer operation."

16. The fourth use of F2 emission urged by AIMS is listed, also, in paragraph 9, above. This F2 use appears to be for the purpose of telemetry, however, it could include, in addition, radio remote control. AIMS describes this F2 use as being for "devices requiring commands and other information (monitoring system containing data readouts, for instance)." We presume that such F2 transmissions would be coded and would contain information in either analog or digital form. Regardless of whether this F2 use is one of telemetry or of radio remote control, or contains information in analog or digital form, such F2 use is, in our view, clearly not compatible with a two-way voice system. The two-way voice use would have to be carried out at those times when the on-board channel was not in use for F2. This would relegate the two-way voice use to a secondary status, which would be contrary to the primary purpose for which the on-board channels were made available. For these reasons, we are not adopting AIMS recommendation that provision be included in the rules for the use of F2 emission for "devices requiring commands and other information."

17. We turn now to our proposed rules for the use of non-voice emissions and AIMS comments regarding the proposed digital code structure. Two categories of ships are hypothesized by AIMS, those fitted for proper recognition of the six characters (documentation number) and those which are not so fitted. In the example given, AIMS presumes that both of these categories of ships employ the same actuation instruction (AA through ZZ). AIMS points out "that a burst of interference in this particular time slot of the code could cause incorrect operation of a device on an unaddressed ship." Although not mentioned, it appears that AIMS also assumes: that the on-board frequencies are the same; the frequency shift (tones) of both categories are the same; the demodulation/decoder is adequately similar to that aboard the addressed ship; and the decoder is the same as that on the addressed ship except that it will pass the actuation instruction without being addressed. AIMS comments are silent with regard to the three characters providing company operational or secrecy control, which follow the documentation number and precede the actuation instruction.

18. In the Further Notice of Proposed Rule Making we stated that the radio remote control for maneuvering and navigation, because of the potential loss of life and/or large amounts of property damage, must be unambiguous and distinctive in order that the actuating instructions are limited to the vessel concerned. From the Further Notice of Proposed Rule Making it is clear that the two groups of characters (6 + 3) which precede the actuation instructions must be received in satisfactory condition before the decoder will accept the actuation instruction. That is, the two groups of characters (6 + 3) must be received in satisfactory condition; must precede the actuation instruction; and the actuation instruction must be in synchronization with the two groups of characters, or no actuation occurs. A "burst of interference" at any time during this sequence would, therefore, result in no actuation taking place.

19. AIMS comments that "the proposed code only contains 26 commands, whereas the operational requirements of a complex system could require 50 commands." In the Further Notice of Proposed Rule Making we propose that "AA through ZZ" be employed for actuation instruction. The number of available commands from this arrangement is: AA through AZ is 26; BA through BZ is 26; etc.; and ZA through ZZ is 26. Thus, the number of commands is 26 times 26, or 676. The 50 commands to which AIMS refers are those developed in their comments for an automated oil transfer operation.

20. AIMS comments that the proposed digital technique would require a 15 dB higher signal level than with a tone system and, therefore the service area obtained using the digital technique would be considerably less than

[1] Docket No. 19643, FCC 72-1040, released November 29, 1972.

that obtained using a tone system. The system proposed in the Further Notice of Proposed Rule Making employs two tones to modulate the transmitted carrier. Those tones are processed in the receiver up to the demodulator (Modem), where they are converted to two-level direct current (binary). Both of these tones are in the middle of the voice band. The voice tests conducted aboard ship by RTCM Special Committee 62 indicate that satisfactory voice communication was obtained. We are unable to identify that part of the system to which AIMS is applying the 15 dB difference. Taken at face value, that is, that the signal at the input terminals of a receiver must be 15 dB greater for the satisfactory reception of the tones 1070/1270 Hz than for the satisfactory reception of voice (350/2500 Hz), we are unable to confirm or to agree that such is the case.

21. AIMS comments that the digital code is too complicated for a simple shirt-pocket paging system. We presume that what AIMS means is that if paging were to be authorized for use on on-board frequencies and the decoder were constructed using standard integrated circuitry in dual inline packages, that the size of the decoder would be too great to be contained within the case of the shirt-pocket paging receiver. Since we are not authorizing the use of paging on on-board frequencies (see paragraphs 9 through 14, above), the question of excessive size or complexity of the digital technique, with or without small, medium or large scale integration, is moot.

22. From a system planning point of view, as well as from a practical and economic point of view it is desirable to minimize the number of different systems employed aboard ship to perform similar functions, particularly as concerns the maintenance of equipment and the test equipment required to perform such maintenance. Different systems are, of course, introduced where a superior operational or other benefit is derived. Failing such benefit, however, the introduction of a different technique complicates the maintenance and is difficult to justify economically. RTCM has for years continued its studies of new maritime communications systems. These studies include the development of a selective calling system for use on radiotelegraph and radiotelephone channels and a radioteleprinter system for use on radiotelegraph channels. In both cases the RTCM selected the digital technique over a tone system. Further, the sequential single frequency code (SSFC) selective calling system, which is a multitone system employing 11 tones, has been found unsatisfactory by the United States maritime industry. In conclusion, we know of no operational or other benefit which would accrue from use of a multitone system on the on-board channels, as recommended by AIMS. Accordingly, for the reasons set forth hereinabove, we are adopting the digital system proposed in the Further Notice of Proposed Rule Making.

23. AIMS expresses the view that the subject matter of the Further Notice of Proposed Rule Making should be thoroughly researched by a technical body such as the RTCM. We do not agree. As we explained above in paragraph 2, these amendments to our rules are being made in response to recommendations made by Special Committee 62 of RTCM and are in substantial agreement with those recommendations. RTCM has not indicated that further study of these recommendations is required, and we see no need for further study.

24. In the Further Notice of Proposed Rule Making, paragraph 9, it was suggested that if there was a requirement in this system for confirmation of command, such requirement should be expressed in the responding comments. Since no such requirement was expressed, provision for confirmation has not been included in the rule amendments set forth in the attached Appendix. We will, however, reopen the matter of inclusion in the rules of provision for confirmation of command at such time as the industry develops a need for that function.

25. We are advised, informally, that there will be vessels which do not have a documentation number that will be fitted with radio remote anchor-drop devices. In specifying the use of the documentation number, it was assumed that any vessel large enough to economically justify the use of a radio remote anchor-drop device would be documented. It appears this assumption may be in error, at least in part. This does not, however, change the requirement that the F2 transmitted signal be unambiguous and distinctive. Accordingly, as an alternative for those vessels which are not documented, we are including in the rules provision for the use of the call sign of the on-board station in lieu of the documentation number. Further, we are amending Section 83.39, Part 83, to preclude the assignment of a single call sign to more than one on-board station.

26. Regarding questions on matters covered by this document contact Walter E. Weaver, Telephone 202-632-7197.

27. In view of the foregoing, *it is ordered*, That pursuant to the authority contained in Sections 4(i) and 303(a), (b), (c), (d), (e), (f) and (r) of the Communications Act of 1934, as amended, Part 83 of the Commission's rules, is amended, effective March 16, 1979, as set forth below.

28. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

Part 83 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

1. In § 83.39, a new paragraph (c) is added to read as follows:

§ 83.39 One application for a plurality ship station license.

* * * * *

(c) A plurality station license will not be granted in the case of an on-board station.

2. A new § 83.835 is added to read as follows:

§ 83.835 Remote control for maneuvering or navigation.

(a) An on-board communication channel may be used for remote control of maneuvering or navigational control systems aboard the same vessel or, where that vessel is towing a second vessel, aboard the towed vessel. The remote control system shall be unambiguous and distinctive and shall conform to the standards set forth in this section.

(b) The transmitted signal shall be composed of the following: a synchronization signal; the documentation number group; the company control group; the actuation instruction group; and a termination of transmission signal, as follows:

(1) The synchronization signal, composed of the control character "SYN", shall be transmitted twice to establish system synchronization.

(2) The documentation number group shall be composed of:

(i) For documented vessels, the documentation number assigned to that vessel by the United States Coast Guard, taken from the groups 200000–299999 and 500000–599999; or

(ii) For non-documented vessels, the call sign of the on-board station.

(iii) The documentation number group shall be transmitted one time.

(3) The company control group, composed of three letters taken from AAA through ZZZ, shall be transmitted one time to provide company operational or secrecy control information.

(4) The actuation instruction group, composed of two letters taken from AA through ZZ, shall be transmitted

one time to direct the actuation instruction desired.

(5) The termination of transmission signal, composed of the control character "EM", shall be transmitted twice to indicate the termination of transmission.

(c) The receiving system (logic decoder) shall:

(1) Reject any actuation instruction until and unless it first recognizes and accepts the company control group.

(2) Reject any company control group until and unless it first recognizes and accepts the documentation number group.

(d) The emission employed shall be F2. The provisions in this part applicable to the use of F3 emission are also applicable to the use of F2 emission. The transmitter must be adjusted and operated so that the instantaneous frequency deviation for F2 emission does not exceed the maximum value allowed for F3 emission.

(e) The binary information shall be applied to the carriers as modulation by frequency-shift keying (FSK) of the standard tones 1070 and 1270 Hz. Expressed in terms of positive logic, "0" (low) shall correspond to 1070 Hz and "1" (high) shall correspond to 1270 Hz. The signalling rate shall be 300 bits per second.

(f) The alphabet employed shall be the United States of America Standard Code for Information Interchange (USASCII), set forth in the United States of America Standards Institute publication USAS X3.4-1968.

(1) The bit sequence shall be least significant bit first to most significant bit (bit 1 through bit 7) in ascending (consecutive) order.

(2) The character structure shall consist of 8 bits (seven bits plus one character parity bit) having equal time intervals.

(3) The character parity bit shall be transmitted and shall follow the most significant bit, bit 7, of the character to which it applies.

(4) The sense of character parity shall be odd over the eight bits, i.e., an odd number of "1" bits.

[FR Doc. 79-4585 Filed 2-9-79; 8:45 am]

[6712-01-M]

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Implementing a System of Temporary Authorization for Ship Stations in the Maritime Services; Correction

AGENCY: Federal Communications Commission.

ACTION: Errata.

SUMMARY: The Order in this matter inadvertently reinstated two sections of our rules which were deleted by another action. This action will correct this error.

EFFECTIVE DATE: April 1, 1979.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Kemp J. Beaty, Safety and Special Radio Services Bureau, (202) 632-7197.

SUPPLEMENTARY INFORMATION:

Released: February 1, 1979.

In the matter of amendment of Parts 1, 81 and 83 of the Commission's rules and to implement a system of temporary authorizations for ship stations in the Maritime Services.

1. In the Order (FCC 78-846; 44 FR 3288), released January 11, 1979, we established a system of temporary authorizations for ship stations, made certain editorial changes and renumbered certain sections of our rules.

2. Inadvertently, this Order contained two sections of our rules (§ 83.50 and § 83.70 which were redesignated § 83.58 and § 83.59 respectively) which were deleted by the Report and Order in SS Docket No. 78-146 (FCC 79-5; 44 FR 4488; released January 18, 1978). Since the effective date of this Order is after that of the Report and Order in SS Docket No. 78-146, this would effectively reinstate these sections into our rules.

§§ 83.58 and 83.59 [Revoked]

3. Accordingly, §§ 83.58 and 83.59 are revoked.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

[FR Doc. 79-4622 Filed 2-9-79; 8:45 am]

[7035-01-M]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Service Order No. 1355]

PART 1033—CAR SERVICE

Burlington Northern Inc. Authorized To Place Fewer Empties and To Forward Unit-Coal-Trains of Less Than Number of Cars Required by Tariffs

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order; Service Order No. 1355.

SUMMARY: Burlington Northern Inc. is authorized to place for coal loading fewer hopper cars than required by unit-coal-train tariffs, and to forward loaded unit-coal-trains comprising fewer cars than required by applicable tariffs. Because of extreme cold weather BN is presently unable to move unit-coal-trains comprising the number of cars required by applicable tariffs.

DATES: Effective 2:00 p.m., February 2, 1979. Expires 11:59 p.m., February 28, 1979.

FOR FURTHER INFORMATION CONTACT:

J. Kenneth Carter, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, Telephone (202) 275-7840, Telex 89-2742.

SUPPLEMENTARY INFORMATION:

Decided: February 2, 1979.

Certain tariffs authorize Burlington Northern Inc. (BN) to operate unit-coal-trains requiring the use of 100 to 110 hopper cars in each train. Because of extreme cold weather BN is unable to move this number of cars in one train. BN can operate the unit-coal-trains by reducing the number of cars operated in each train. This means the BN would place less than the required number of empties for loading, would forward loaded unit-coal-trains with less than the required number of cars, and these trains would be placed for unloading with less than the required number of cars required by the tariffs. The delays to cars caused by these conditions further aggravate existing car shortages and contribute to loss of utilization of hopper cars.

It is the opinion of the Commission that an emergency exists and that there is good cause to authorize the application of unit-coal-train rates requiring the use of one hundred (100) to one hundred-ten (110) to shipments of fewer cars when the BN is unable to place or forward *all* of the cars required by applicable tariffs; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, § 1033.1355 *Burlington Northern Inc. authorized to place fewer empties and to forward unit-coal-trains of less than number of cars required by tariffs*

(a) Burlington Northern Inc. (BN) is authorized to place fewer hopper cars for loading unit-coal-trains than required by applicable tariffs and is authorized to operate loaded unit-coal-

trains comprising fewer cars than required by applicable tariffs.

(b) If a unit-coal-train is operated which is required by tariff provisions to be one of two or more consecutive unit train movements the deficit tonnage may, with the consent of the carrier, be added to the tonnage transported in one or more of the subsequent trips required by the tariffs. If the carrier fails to give its consent or if the shipper notifies the carrier that it will be impossible to add the deficit tonnage to subsequent consecutive shipments, the total volume required to be shipped will be reduced by that amount.

(c) Nothing in this order shall be deemed to authorize any change in minimum weights required by the applicable tariffs to be loaded into each car nor to authorize the loading of any car in excess of its stencilled load limit.

(d) *Consent of Shipper Required.* The consent of the shipper is required before any unit-coal-train is operated with a reduced number of cars as authorized by Section (a) of this order.

(e) *Billing to be Endorsed.* The bills of lading and the master way bills of each unit-coal-train authorized by this order to operate with fewer than the required number of cars shall bear the following endorsement:

Unit-coal-train comprising ( ) cars. Reduction of train from ( ) cars authorized by ICC Service Order No. 1355.

(f) *Unit-Coal-Train Defined.* The term "unit-coal-train" as used in this order means a multiple-car shipment of coal subject to a tariff provision which requires the use of fifty (50) or more hopper cars in a single shipment, on one bill of lading, on one day.

(g) *Application.* (1) The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(2) All tariff provisions not specifically modified by this order shall remain in effect.

(3) The application of all other rules and regulations, insofar as they conflict with the provisions of this order, is suspended.

(4) This order applies to movements of empty or loaded hopper cars of railroad ownership, of private ownership, or of mixed ownerships of railroad and private ownerships.

(h) *Effective date.* This order shall become effective at 2:00 p.m., February 2, 1979.

(i) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., February 28, 1979.

(49 U.S.C. (10304-10305 and 11121-11126).)

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, Robert S. Turkington, Leonard J. Schloer and William F. Sibbald. Member Leonard J. Schloer not participating.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-4644 Filed 2-9-79; 8:45 am]

[1505-01-M]

[Ex Parte No. 293 (Sub No. 3)]

PART 1126—SUBMISSION OF COST DATA TO JUSTIFY REIMBURSEMENT FOR DIRECTED SERVICE

Implementation of Regional Rail Reorganization Act of 1973

CORRECTION

In FR Doc. 79-3182, which appeared at pages 6156-6166 of the Proposed Rules Section of the FEDERAL REGISTER for Wednesday, January 31, 1979 was published in that section by mistake. That document is a final rule document and should have been published in the Final Rule section of the FEDERAL REGISTER.

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

[3410-02-M]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Ch. IX]

[Docket No. AO-382]

MELONS GROWN IN SOUTH TEXAS

Recommended Decision and Opportunity To File Written Exceptions to Proposed Marketing Agreement and Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This recommended decision proposes a marketing agreement and order regulating the handling of melons grown in South Texas. It provides interested persons with the opportunity to file written exceptions concerning the recommendations made therein. The proposed order would authorize regulations to fix the grade, size, quality, maturity, pack, container and markings for melons, except watermelons, grown in 19 designated counties in South Texas. The primary objective is to improve the quality of melons shipped to markets. This should reduce marketing losses and result in improved returns to growers.

DATE: Written exceptions to this recommended decision may be filed by February 27, 1979.

ADDRESSES: Written exceptions should be filed in duplicate with the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, DC. 20250. All written submissions will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Acting Director, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250, Phone (202) 447-6393.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding: Notice of Hearing—Issued October 26, 1978, and published October 31, 1978 (43 FR 50685).

PRELIMINARY STATEMENT: Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to a proposed marketing agreement and order regulating the handling of melons grown in South Texas.

The above notice of filing of the decision and of opportunity to file exceptions thereto is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The proposed marketing agreement and order were formulated on the record of a public hearing held at Edinburg, Texas, November 28-December 1, 1978. Notice of the hearing was published in the October 31, 1978, issue of the FEDERAL REGISTER. The notice set forth a proposed order submitted by the South Texas Melon Steering Committee on behalf of melon producers and handlers in the proposed production area.

Material issues. The material issues presented on the record of the hearing are as follows:

(1) Is the handling of melons in the proposed production area in the current of interstate commerce, or does it directly burden, obstruct, or affect interstate commerce;

(2) Do the marketing conditions show the need for the issuance of a marketing agreement and order which will tend to effectuate the declared policy of the act;

(3) The definition of the commodity and the determination of the production area to be covered by the proposed order;

(4) The identity of the persons and the marketing transactions to be regulated; and

(5) The specific terms and provisions of the proposed order including:

(a) The definitions of the terms used herein which are necessary and incidental to attain the declared policy and objectives of the act;

(b) The establishment, maintenance, composition, procedures, powers, duties and operation of a committee which shall be the local administrative agency for assisting the Secretary in the administration of the proposed order;

(c) The authority to incur expenses and the procedure to levy assessments on handlers to obtain revenue for paying such expenses;

(d) The authority to establish production and marketing research, and market development projects;

(e) The method of regulating the handling of melons grown in the production area;

(f) The authority for inspection and certification of shipments;

(g) The establishment of requirements for reporting and recordkeeping upon handlers;

(h) The requirements of compliance with all provisions of the proposed order and with regulations issued under it; and

(i) Additional terms and conditions as set forth in section .82 through section .92 of the Notice of Hearing published in the FEDERAL REGISTER of October 31, 1978 (43 FR 50685) which are common to marketing agreements and marketing orders and other terms and conditions published as section .93 through section .95 which are common to marketing agreements only.

Findings and conclusions. The following findings and conclusions on the material issues are based on the record of the hearing:

The proposed marketing agreement and order (hereinafter collectively referred to as the "order") should regulate the handling of melons grown in South Texas by authorizing requirements for grades, sizes, maturities, qualities, packs, containers and markings thereon, or combinations of such requirements, with which such shipments should comply.

(1) Melons are an agricultural commodity within the group named in the act to which its marketing regulatory authority may be applied. They are an important commercial vegetable crop in Texas. Data published by the U.S. Department of Agriculture (USDA) show that Texas growers produced a spring-season cantaloup crop in 1978 of 1.5 million hundredweight which had a gross value of $14.1 million, f.o.b. shipping point. The State's output that year of spring-crop honeydew melons amounted to 508,000 hundredweight and had a gross value of $7.8 million. Smaller amounts of other melons such as persians and casabas also are grown each spring, but production and marketing data for such melons are not compiled.

The Texas spring crop of melons is primarily grown in the production area, as defined in the proposed order. The area includes the Lower Rio

Grande Valley, and the Laredo and Coastal Bend Districts.

Melon harvest in the production area typically begins in mid-April and continues into mid-June, although weather conditions result in some variation in harvest timing. The peak harvest period is usually from mid-May through early June. The record shows that production area melons move to nearby wholesale and retail outlets within the production area, and to such outlets in other parts of Texas, and in other States and countries.

A major portion of the melons grown in the production area is marketed outside of the production area. USDA Market News reports show that in 1977 there were 3,023 carlots of Texas cantaloups unloaded in the leading 46 major U.S. and Canadian terminal markets. Houston, Dallas, San Antonio, and Fort Worth, all of which are outside of the production area, accounted for 43 percent of the total reported Texas cantaloup unloads. However, substantial quantities were reported in numerous markets in other States, such as Miami and Atlanta in the Southeast, New York City and Baltimore in the East, and Chicago in the Midwest. Some melons also moved to west coast markets, including Los Angeles, Portland and Seattle. Texas cantaloups were unloaded in the major terminal markets in Texas and other States during each month of the spring-crop marketing season.

Unloads in the leading markets of honeydew and miscellaneous (including casaba and persian) melons grown in Texas amounted to 1,344 carlots in 1977. As with cantaloups, unloads of Texas honeydew melons were reported in markets in cities both in and out of the State during each month of the spring-crop season.

Record evidence shows that South Texas usually is the first domestic supplier of cantaloups and honeydew melons each year, and for a brief period early in the season there is virtually no competition from other domestic areas. However, Texas producers encounter early season competition from melons imported from Mexico, where the harvest begins before that in South Texas. Record evidence indicates that in calendar 1977 cantaloup imports from Mexico amounted to nearly 1.8 million hundredweight. The most active period for the importation of Mexican melons is March through May.

Shipments of melons from California and Arizona are in large volume during much of the South Texas marketing period and usually provide strong competition in most markets, both within Texas and in other States.

Record evidence shows that the South Texas melon industry's domestic market is the entire United States and its members are in daily contact with buyers across the Nation. With modern communication and transportation systems, melon supplies or prices in any one location are promptly known elsewhere and have a direct effect on melon supplies and prices in all other locations.

There are few differences in sales between melons for use within the production area as compared with melons sold for use in other parts of the United States or other countries. If a program regulating only interstate and foreign commerce in melons were to be made effective, the market for melons within the production area would be overburdened with the unregulated melons, resulting in unduly lower prices in the area. In turn, this would affect prices in other parts of Texas and in other States. The evidence of record is that all movement of melons in marketing channels is inextricably intermingled and in direct competition, and hence it is concluded that the handling of melons within the production area directly burdens, obstructs or affects shipments to all other markets to such an extent as to make necessary the regulation of intrastate commerce in melons as well as the interstate and foreign commerce in melons.

It is concluded, therefore, that the right to exercise Federal jurisdiction in the marketing of melons grown in the production area hereinafter defined is proper and appropriate under the act and the order hereinafter set forth.

(2) The need for the proposed regulatory program for South Texas melons is supported by substantial evidence in the record of hearing. The salient features of this evidence are set forth in this recommended decision.

Production of melons in the proposed production area, as indicated by USDA data for the Texas spring melon crop, has trended upward. The combined output of cantaloups and honeydew melons averaged 1.5 million hundredweight in 1974-78, slightly more than double the average 743,000 hundredweight produced in 1959-63. Increasing acreage was primarily responsible for the expansion that took place during the 1960's. More recently, higher yields contributed most to the rise in production.

Record evidence shows that about 70 to 80 percent of the South Texas melon crop is shipped to market in cartons or similar small containers, while the remainder is shipped in bulk loads. Melons in cartons are prepared for marketing by typical commercial practices such as grading to eliminate inferior quality, sizing to achieve uniformity, washing to eliminate decay-causing organisms and improve appearance, and cooling to preserve the quality.

Bulk load shipments of South Texas melons are of two basic types; i.e., packinghouse culls or fieldrun melons. Packinghouse culls account for a substantial majority of the bulk load shipments. They are melons which are sorted during the normal grading process because they are damaged or have such defects as irregular shape or size, blemishes, or overmaturity. In addition to their less attractive appearance, such melons generally are more perishable than the packaged melons and less able to tolerate the normal handling that occurs during marketing.

Bulk fieldrun melons are those loaded on trucks parked at the edge of the field. Some sorting may be done, but the typical fieldrun lots have a wider range of sizes, qualities and maturities. The quality of such melons generally is below that of commercially graded and packaged melons. In addition, fieldrun melons are more susceptible to deterioration during shipment because irregular maturity and the weight of the load causes breakage of individual melons. While some loads may be top-iced, many are not. And even with such icing, interior load temperatures may be unduly high, resulting in greater perishability.

Because of their deficiency in marketability, distribution of both packinghouse culls and fieldrun melons is mainly to nearby markets. However, several witnesses testified that due to the improvement in transportation systems in recent years, bulk loaded melons can be and are shipped 1,000 miles or more in interstate commerce.

Receivers testified that although they prefer to handle only packaged melons, at times competition from other receivers forces them to handle a few bulk loads. Although initially cheaper at shipping point, this advantage of bulk melons is offset by losses from higher deterioration in transit and higher labor costs at destination where they must be individually placed in containers for unloading. Thus the margin tends to disappear as it moves through the marketing chain, with the consumer paying almost as much for this poorer quality melon as she would for a high quality packaged melon. One trucker alleged that elimination of bulk shipments would put him out of business. However, record evidence indicates that there is nearly always a need for trucks in the production area during the season for transporting packaged melons. Therefore, it would be unusual for a truck owner or operator to be deprived of his livelihood during the season.

Record evidence shows that melons shipped in cartons or similar containers are regarded by the industry—

growers, shippers, and receivers alike—as relatively high quality melons which can be marketed in an orderly manner, in contrast to the market disruptive character of the lower quality melons marketed in bulk loads.

Although some packaged melons are shipped on consignment, handlers generally do not ship them until they have a confirmed buyer and some agreement on price for the product. Because only the better quality melons are packaged and such melons are cleaned and treated to retard decay and protected by the container against damage during shipment, the overall quality is high and the melons have an extended shelf-life. This relative stability in quality, together with uniformity in quality, size, and maturity, results in an attractive product which can be merchandised and promoted, thereby increasing sales of Texas melons.

On the other hand, bulk melons are shipped on a highly speculative basis. Such melons usually are sold at the packinghouse or field to handlers who then transport the melons to terminal markets where they search for buyers. Official price data for packinghouse culls and fieldrun melons in the production area are not available. However, one expert witness indicated typical prices for cull cantaloups at a packinghouse may begin at about a cent per pound and slide lower as volume increases seasonally. This compares with a 1976-78 season average price of 12.2 cents per pound for graded, packaged cantaloups loaded on a vehicle at the packinghouse door. Approximately 5 of the 12.2 cents represents costs for additional materials and services incurred for handling the packaged melons. Similar data are not available regarding prices and costs for fieldrun melons. However, growers' sales of such melons generally are regarded as salvage operations, at relatively low prices, to be resorted to only when the quality of the crop is such that it is not suitable for grading and packing in a shipper's facilities.

Few retailers, and particularly the chains, have facilities for handling bulk loads. Eventually, the presence of bulked melons on a market leads to declining prices for the better quality packaged product. This results not only because of any increase in total supply which may be associated with bulk melons, but also due to the effect of such melons on overall demand for production area melons.

Several witnesses attested to the damage caused to the reputation of South Texas melons by the practice of shipping packinghouse culls and ungraded fieldrun melons in bulk loads. The generally low quality, and irregularity in grade, size, and maturity of these melons has had a negative effect on demand at retail which is carried back through distributive channels to shippers and growers. The damaged reputation of Texas melons is reflected in lower wholesale prices for such melons compared with prices for melons grown in other areas.

Melons grown in California and Arizona and shipped in interstate commerce must meet minimum quality standards imposed under their fruit and vegetable standardization laws.

All are graded at shipping point and all are packed in cartons, wooden crates, or similar containers. In the terminal markets where they compete directly with Texas melons, the graded, packaged California-Arizona commodity nearly always receives a premium which may range from $0.50 to $2.50 per carton. The competitive advantage for western melons, according to expert witnesses, stemmed almost entirely from the better marketing practices used in the western areas.

During the 1969-78 period, prices received by Texas growers for spring-crop melons, which are representative of production area prices, were moderately to substantially below parity in most years. Season average prices for cantaloups equalled parity in 1975 but otherwise ranged from 48 to 95 percent of parity and averaged 87 percent for the period. During the same decade, prices for spring-crop honeydew melons were 137 percent of parity in 1975, ranged from 55 to 99 percent otherwise, and averaged 86 percent. For both types of melons, prices have trended downward relative to parity in the last few years.

Without a mandatory industry-wide quality control program, it has been possible for some members of the production area industry to offer and sell melons of poor or irregular quality in bulk loads at low prices, thereby having a detrimental effect upon the market and the price structure for all production area melons. Such disorderly marketing practices have been damaging to the industry, even though only a relatively small quantity of the inferior melons have been marketed each year.

Record evidence shows that the position of production area growers in the melon market is dependent upon the quality of melons shipped, and that any improvement in such growers competitive economic situation will require the adoption of improved marketing practices. Therefore, the need exists to regulate marketings through quality, pack, or container standards, thereby improving quality, promoting more orderly marketing conditions, and tending to improve returns to producers, with due regard to interests of consumers.

(3) The definition of the commodity and determination of the production area to be covered by the proposed order.

The term "melons" is defined to specify the commodity covered by the proposed order and with respect to which the terms and provisions of the proposed order are applicable. The agricultural commodity botanically known as *Cucumis melo* is commonly known to producers and handlers in the production area as "muskmelons." Such term is defined to include, but not be limited to varieties *reticulatus* and *inodorus*. Melons which have netted, green and yellow-green rinds of the botanical variety *reticulatus* are commonly called cantaloups by the public, growers, and the marketing trade. The botanical variety *inodorus* includes melons which are commonly called Honeydews, Casabas, Crenshaws and some Persians.

Watermelons (*Sitrullaus lanatus*) are excluded from this definition.

The term "production area" should be defined to include the counties of Bee, Brooks, Cameron, Duval, Hidalgo, Jim Hogg, Jim Wells, Kenedy, Kleberg, La Salle, Live Oak, McMullen, Nueces, Refugio, San Patricio, Starr, Webb, Willacy and Zapata in the State of Texas.

The proponents believe that the production area should include all of that section of the State of Texas where spring-crop melons are or could be raised and marketed at approximately the same time of the year. The proposed area is a contiguous area and comprises generally the most southerly counties in the State. Melons can be produced in all parts of these counties. The varieties of melons grown in the area are similar and several growers and handlers operate in more than one county within the production area. Because of uniform growing conditions, all parts of the area market melons at about the same time. There is no direct competition from other areas although early marketings from the Texas Winter Garden area overlap marketings in the proposed production area.

Record evidence shows that the Winter Garden area should not be included in the production area. The Winter Garden area's soils and climatic conditions are different from those of the production area and a portion of the Winter Garden's crop is marketed later than the crop of the proposed production area. Melon output in the Winter Garden area is substantially smaller than that of the production area and the exclusion of the Winter Garden area from the production area would not impair the effective operation of the order.

It is therefore determined that all territory included within the bound-

aries of the production area constitutes the smallest regional production area that is practicable and this production area should be defined as hereinafter set forth.

(4) The term "handler" is synonymous with the term "shipper". It should be defined in the order to identify the persons who would be subject to regulation under the order. Therefore, the term should apply to all persons who perform any of the activities within the scope of the term "handler" as hereinafter defined. The definition includes persons who are responsible for meeting requirements of the order and the regulations issued thereunder, such as packing, meeting grade and size requirements, paying assessments, and submitting reports. More than one handler may be involved in the handling of a given lot of melons and each such person should be responsible for complying with the terms of the order.

Common or contract carriers transporting melons which are owned by another person are performing a handling function. Such handling, however, should be exempted from the proposed order since such carriers are not responsible for the grade, size, quality or pack of the melons being transported. Neither are they the persons who cause the introduction of such melons into the stream of commerce. The only interest of common or contract carriers in such melons is to transport them for a service charge to destinations given by others. The person or persons delivering melons to a common or contract carrier, or causing such delivery, should be responsible for compliance under the proposed order.

A grower who handlers the melons he has produced would be considered a handler when he performs the handling function on such melons.

Growers who sell or otherwise market melons directly from the field would be handles under the order. Any person who purchases melons from growers and performs any other handling function such as transporting such melons to market or grading and packing such melons would be a handler.

The term "handle" is defined in the proposed order to establish the specific marketing functions which primarily place melons in the current of commerce within the production area, or between the production area and any point outside thereof, and to provide a basis for determining which functions are subject to regulation under authority of the proposed order. "Handle" and "ship" are used synonymously and the definition should so indicate.

The act provides that no order shall be applicable to any producer in his capacity as a producer. Growing melons, which involves the planting and care of melons in the field through growth to a commercially marketable product that is turned over to a handler by sale, contract, or other means, is a producer function within the above exception.

Production area melons are usually picked by hand, placed in bags, and carried to the ends of the fields where they are loaded into trucks or trailers. In some field operations, melons are placed on self-propelled conveyor belts moving through the field. The majority of harvested melons are transported to packing sheds where they are graded, brushed to remove dirt, sized, and packed into cartons or crates. The melons are usually run through a hot water bath to remove fungus spores that may attack the fruit in transit. The packaged melons are either precooled before being loaded into rail cars or trucks, or cooled during transit by refrigeration units or ice in the vehicle.

South Texas producers sell their melons in various ways. Most production area melons are handled by shippers for the grower's account. Under customary arrangements, producers turn their fields over to shippers who supervise the harvesting, then grade, pack, and sell the melons, and pay the producer the net proceeds after deducting handling charges. In such dealings, the shipper charges for every functon he performs. The grower retains title to the melons until they are sold for him by the shipper. Settlement is made with the grower on the net proceeds of the sale, whether the sale is made at shipping point or at a subsequent point in the marketing process.

The shipper or packinghouse operator is responsible for preparing the melons for market. He determines the grade, size, quality, and container to be used for the melons entering market channels. He packages the melons, thus making them a part of the visible marketable supply which is the subject of offer, acceptance, and sale in the current of the commerce in the commodity. He also ships the melons, thus transporting them in the current of commerce. Packinghouse operators sometime sell melons that have been picked out or discarded in grading, sizing, and packaging operations. Sale of any melons, either grades and sizes customarily acceptable in established terminal markets, or those of less or unacceptable grades and sizes, constitutes and act of handling.

Occasionally, producers sell melons in the field for a fixed price to a handler prior to harvest. The producer may harvest such melons on behalf of the handler, or harvesting may be done by the buyer. The harvested melons may either be transported to a packinghouse for preparation for marketing, or transported directly to receiving markets with little or no additional preparation. In the latter case the producer become the first handler, since he is the one who first places the melons in the stream of commerce.

Some producers have their own packing facilities; they grow, harvest, grade, pack, sell, and ship their own melons. Some perform all of the foregoing functions except sell, which is done by a broker for a fee.

Each of the foregoing activities by itself is a handling operation and, as such, makes the person responsible for it a handler, subject to the rules and regulations issued under the order. However, the sale, transportation, or delivery of fieldrun melons to a packinghouse located in the production area, according to record evidence, should be excepted from the definition of "handle." In this case the melons have not yet been prepared for market nor are they in their existing condition being transported to market. Most sellers and buyers do not consider them as yet suitable or appropriate for commercial transactions in the commodity, and as such, they have not yet entered the stream of commerce.

(5) Certain terms and provisions of the proposed order should be defined and explained for the purpose of designating specifically their applicability and limitations whenever they are used.

(a) "Secretary" should be defined to include not only the Secretary of Agriculture of the United States, the official charged by law with the responsibility for such programs, but also, to recognize the fact that it is physically impossible for him to perform personally all of the functions and duties imposed upon him by law, any other officer or employee of the U.S. Department of Agriculture who is, or who may hereafter be, authorized to act in his stead.

The definition of "act" provides the legal citations for the statute pursuant to which the proposed regulatory program would be operative and avoids the need for referring to this citation throughout the order.

The definition of "person" follows the definition of that term as set forth in the act, and will insure that it will have the same meaning as it has in the act.

"Grower" is synonymous with "producer" and should mean any person engaged in a proprietary capacity in the production of melons for market. The term is used specifically to indicate those individuals eligible to vote for or qualify as producer members or alternates on the South Texas Melon

Committee and those who have the right to vote in referendum.

"Grower" should include any person who owns or shares in the ownership of melons such as a landowner, landlord, tenant or sharecropper. The person who owns and farms land resulting in his ownership of the melons produced on such land should clearly be considered a grower. The same is true with respect to the person who rents and farms land resulting in his ownership of all or a part of the melons produced thereon. Likewise, a person who owns land, which he does not farm, but as rental for such land obtains the ownership of a portion of the melons produced thereon, should be regarded as a producer of that portion received as rent, and the tenant on such land should be regarded as a producer for the remaining portion produced on such land. In each of the above situations the person involved in production, regardless of whether an individual, partnership, joint venture, association, corporation, or other business unit should be considered as one producer entitled to one vote. A joint venture is one whereby several persons contribute resources to a single endeavor to produce and market a melon crop. In such ventures, one party may be the farmer who contributes one or more factors such as his labor, time, production facilities, or cultural skills and the other party may be a handler who contributes money and cultural, harvesting and marketing supervision. The joint venture is entitled to one vote. Normally, a husband and wife operation would be considered a partnership and be entitled to one vote. The chief test of a producer is whether or not the individual or other business unit has title to the melons that are produced.

South Texas growers occasionally sell their melons shortly before harvest to packing shed operators or others. While title may actually pass, agreements in most instances include additional requirements that the producer will care for the crop until it is harvested. In such cases even though title passes to the handler at the time of purchase, the buyer should not be classified or qualified as a producer since the buyer does not actually perform customary producer functions with regard to growing the crop.

Some producers in South Texas own or operate packing sheds. A producer who owns or operates a packing shed should not be precluded from qualifying as a producer under the provisions of the proposed order provided that under § ——.22(c) he packs or handles only his own melons.

The definition of "committee" is incorporated in the marketing order to identify the administrative agency, as authorized by the act, responsible for local administration of the program. The term "South Texas Melon Committee" is a proper identification of the agency and reflects the character thereof.

"Fiscal period" should be defined to mean the period beginning and ending on the dates recommended by the committee and approved by the Secretary. This would provide sufficient flexibility to authorize the committee and Secretary to set the beginning of the fiscal period close to the beginning of the shipping season. At the same time, it would permit subsequent changes in the dates in the event operational experience indicates such changes are needed.

Definitions of "grade," "size," and "maturity" are incorporated in the proposed order to enable persons affected thereby to determine the basis for application of grade and size limitations to the product they handle. "Grade," "size" and "maturity," essential terms in which regulations are issued, should be defined as encompassing the meanings assigned these terms in the various official U.S. standards for melons issued by the U.S. Department of Agriculture. Also, the definition includes modifications or amendments to such standards, and any variations from such standards in regulations issued under the proposed order. Regulations can then incorporate such terms (grade, size and maturity) with the constant meaning given them in the standards. Also, the use of these terms in regulations may be varied by prescribing, for example, a percentage of a grade such as "85 percent U.S. No. 1." Federal and Federal-State inspectors are qualified to certify the grade, size, and maturity of melons grown in the production area under the terms of the aforesaid standards, or as such standards may be amended or modified.

"Grading" is synonymous with "preparing melons for commerical market" and should be defined to mean the sorting or separation of melons into grades, sizes, maturities, or packs, or any combination thereof for handling. It should include the sorting of melons by hand or mechanical means. Such classifications are determined by the handler who directs in person, or through his agent, how and in what number of grades, sizes or packs a particular lot of melons shall be separated. Grading may vary from an operation performed entirely by hand in which certain melons are discarded when they are being loaded in the field, to a production line operation whereby melons are carried by mechanical conveyor to be graded, sized, and packaged so that the melons which are to go to preferred price outlets are separated from those going to discounted price outlets or discarded as culls. Grading, or preparation for market, is an operation which applies to all melons grown in the production area even though the extent to which melons are separated into market classes may vary considerably among the different outlets.

The term "pack" is commonly used in the melon trade and should be defined as the basis for distinguishing among the various units in which melons are marketed. It refers to one or more of the factors relating to grade, size, weight or count and type or conditions of container, or a combination of all of these factors. "Size" refers to the diameter of the melon, "count" means the number of melons in a carton, and "type of container" refers to its construction. "Conditions of container" means whether it is clean or used and dirty. The term "85% U.S. No. 1 quality" is considered by the trade as a specific pack, although it is far more common for handlers to ship what the industry calls a "good commerical" pack. In the latter case it is the individual handler who defines the term "good commerical" pack according to the needs of his customers as well as the need to protect his own label. With respect to melons, however, size is an integral part of the definition of pack. Record evidence indicates that cantaloup cartons, or more appropriately half cartons, are generally of one standard size. The melons are sorted according to size and all melons of a specific size designation are placed in cartons. The size designations refer to the actual number of melons packed in the carton. Preferred sizes in the proposed production area are 23's, 18's and 15's, referring to 23, 18 and 15 melons per carton respectively. It is essential that the committee have the authority to recommend, and the Secretary to approve, regulations in terms of packs, and define and establish such packs in terms of size tolerances, grades allowed, weight of contents, etc. The definition of the term "pack" should, therefore, be as set forth in the proposed order.

The term "container" should be defined in the proposed order to mean a carton, box, bag, crate, hamper, basket, package, bulk load or any other receptacle used in the packaging, transportation, sale, or other handling of melons. This definition is sufficiently broad to include each of the various shipping receptacles in which South Texas melons are sold, or moved to market, and for which different regulations could be applicable.

The term "varieties" is included in the proposed order so that the committee may consider the differences in the characteristics of different varieties of melons in connection with its recommendations for regulations. The

principal varieties grown in the production area at the present time are the *reticulatus* and *inodorus*. However, new varieties or hybrids are introduced from time to time and may become commerically important. The definition of varieties as set forth in the proposed order is appropriate for determining the different varieties, or types, of melons grown in the production area so that a basis for regulating some and not regulating others may be established.

The term "export" means shipment of melons to any destination which is not within the 48 contiguous States or the District of Columbia of the United states. separate treatment for export shipments may be necessary because the requirements of certain export markets may differ from those of the domestic market. Therefore different or special regulations, or even no regulations, may be justified with respect to such shipments.

"District" should be defined in the proposed order to provide a basis for the nomination and selection of committee members. It means each of the geographic sections, or divisions of the production area, as initially established or as later reestablished. The proposed division into districts is adequate and equitable and should provide a practical basis for the purpose intended.

"Part" and "subpart" mean those subdivisions of the Code of Federal Regulations in which the proposed order would be codified and published. Subpart means the Order Regulating Handling; part means the Order Regulating Handling along with all other subparts such as the Rules and Regulations, Budget and Rate of Assessment, and Handling Regulation.

(b) Section 608c(7)(C) of the act provides for an administrative agency for effective operation of an order. A South Texas Melon Committee consisting of 10 members (six producers, three handlers, and one public member) is the administrative agency sponsored by the industry to aid the Secretary in administering the proposed order and in carrying out the declared policy of the act. A committee composed of 10 members, with a like number of alternates, should provide adequate representation and assure reasonable judgment and deliberation with respect to recommendations made to the the Secretary, and in the discharge of other committee duties. Because marketing orders are intended primarily for the benefit of producers, it is appropriate that there be more producers than handlers on the proposed committee. However, since regulations under the proposed order would be at the handler level, it is also appropriate and prudent for handlers to have representation on the committee.

The number of members from each district, as well as the total number of committee members, and members' distribution within districts, were given thorough consideration by proponents of the proposed order. In determining the number of producer representatives on the committee from each of the districts, consideration was given to melon acreage shown by the latest census figures in each county within a district. Thus, the number of producer representatives for each district is related to such district's portion of the total melon acreage in the production area. similar methods were applied in apportioning handlers on the committee from each district. This should be a practicable and equitable method of providing producer and handler representatives on the committee. They will be familar with supply and demand factors particularly affecting the sale of their melons and the effect of regulation upon such sales.

Each member and alternate selected to represent producers in a particular district should be an individual who is a producer, or an officer or employee of a corporate producer or other type of business unit engaged in producing melons in such district and he should also be a resident of the production area.

Such a person could be expected to have a strong interest in the effect of committee decisions on all melon producers and especially those in the proposed production area. As a resident of the production area such person would be familiar with the problems and concerns of producers. Record evidence shows that in the event a producer owns, or has an interest in, a packing shed handling melons for others, other than as a member of a marketing cooperative, he should be disqualified to be selected as a producer member or alternate. However, if a producer grades and sells only his own melons, he should not lose his status as a producer and may be selected to represent producers.

Each member or alternate selected to represent handlers in a particular district should be an individual who is a handler, or an officer or employee of a corporate handler or other type of businsess unit, engaged in handling such district's melons, and he should be a resident in the production area.

Inasmuch as handlers would be the persons actually regulated under the proposed order, the handler member should be one whose chief interest is in the handling of melons. Moreover, as a member of the production area he could be expected to be familiar with the local problems encountered by the industry.

Record evidence supports public representation on the administrative committee. While the influence of consumers would be implicitly present in the deliberations of the producer and handler committee members and all meetings would be public, the appointment of a public member would offer many advantages. One would be the direct communication between industry members and the public member who would have no connection with the industry and whose opinions on regulatory standards would represent the general public. Another would be to afford the industry an opportunity to discuss their problems and concerns with someone who would view these problems and concerns from outside the melon industry.

Public representatives should not be permitted to have either a direct financial interest or be closely associated with the commercial production, processing, financing, buying, packing, or marketing of melons except as a consumer, nor be a director, officer or employee of any firm so engaged. Such public representatives should be able to devote sufficient time and express a willingness to attend committee activities regularly and to familiarize themself with the background and economics of the industry. Residence in the production area is not deemed close association with the production or marketing of melons and would not preclude such person from nomination as a public member or alternate. On the contrary, a public member from the production area could be expected to be more familiar with and knowledgeable about industry problems and practices.

To insure that all portions of the production area are adequately represented in the conduct of the committee's business and that the continuity of operation is not interrupted, the proposed order should provide for alternate members with the same qualifications as their respective members. They would act in the place and stead of their respective member during his temporary absence, or in the case of his death, removal, resignation, or disqualification. The alternate should serve as member until a new member is selected and has qualified. Also, the committee should be permitted to request the attendance of alternates at any or all meetings regardless of whether the members are present or not. This would be desirable especially when the committee is considering important matters and when it is necessary to have a greater expression of industry opinion.

The proponents request authority for a procedure which will insure the proper and efficient operation of the committee under any unusual circumstances where if neither the member

nor the alternate for a particular committee position is present the members attending should be empowered to designate by majority vote one of the other alternates from the same group who is present to act in the place of the absent member.

The effective date of the proposed order, if issued, may not coincide with the specified beginning and ending dates for the terms of office of the committee members and alternate members. Therefore, provision should be made for adjusting the initial terms of office. These should begin as soon as possible after the effective date of the order and half of the terms should end on the last day of the following February and the other half the year thereafter, as determined by nominees drawing lots.

Two districts, each of which includes a well known producing section, are established in the proposed order to provide a geographical basis for the selection of committee membership. Producers and handlers within the production area commonly recognize and accept the districts as set forth and customarily consider melon supplies and marketing problems in terms of these districts.

Redistricting authority is necessary in the proposed order to enable the committee and the Secretary to consider from time to time whether the basis for representation has changed or could be improved and how such improvement may be made. Future shifts or other changes in melon production in South Texas cannot be foreseen at the present time, since rather quick shifts may occur in the acreage of the various commodities produced from one year to another. Therefore, it is desirable to provide flexibility of operations so that if it would be in the best interests of the industry to readjust districts or reapportion membership, the committee may so recommend and the Secretary may approve such action.

The guides and limitations set forth in the proposed order which should be considered in making changes in districts or reapportionment of members are appropriate and desirable. Recommendations for such changes should be made well in advance of the intended effective date. Also, changes should not be made effective less than 30 days prior to the date on which terms of office begin, and no recommendations for such redistricting or reapportionment may be made less than six months prior to such date. These safeguards are desirable so that producers and handlers may become well acquainted with any redistricting or reapportionment of members prior to the nominations.

The Secretary has the legal authority for the selection of the members and alternates of the committee, but the industry should have the responsibility for recommending proper and appropriate nominees to the Secretary so that he may select from such nominees or from other eligible persons. The nomination procedure outlined in the proposed order will provide a means of making available to the Secretary the names of prospective members and alternates desired by the industry to serve on the committee.

The order should provide that the Secretary may conduct the nominations for initial committee members.

All growers and handlers should receive notice of such meetings and it is the hope of the proponents and anticipated that the initial meeting or meetings will be attended by all interested growers and handlers within the production area.

Sufficient notice of said meetings should be given to all growers and handlers within the production area. Nominations will be received and voted upon at such meeting or meetings.

The nominations resulting from these meetings, for each of the initial six grower and three handler members and their alternates shall be submitted to the Secretary if and when he issues a final decision that the proposed order should go to referendum.

Record evidence indicates it would be in the industry's interests to regulate as soon as possible. If the Secretary issues the order as proposed, there would not be sufficient time for the nomination and selection of the committee prior to the beginning of the 1979 season. For this reason, nomination meetings should be held by the Department as soon as possible after the signing of a favorable Secretary's Decision, the names of nominees immediately forwarded to the Secretary with the committee appointment to be effective upon issuance of the order. There would be, therefore, a degree of urgency in nominating the initial committee members so that the committee would be in a position to begin operations soon after the effective date of the order.

The responsibility for calling subsequent nomination meetings should be with the committee as one of its administrative duties. The committee may work with other existing organizations in conducting such nomination meetings.

Meetings for nominating members of subsequent committees and their alternates should be held or caused to be held by the committee not later than January 15 of each year. Inasmuch as the term of office begins March 1 of each year, nomination meetings should be held in sufficient time to assure that nominations for members and alternates will be supplied the Secretary so he may select members and alternates prior to the beginning of each new term of office. At least one nominee should be designated for each position which is to be filled the following March 1.

Nominations should be supplied in such manner and form as the Secretary may prescribe. The industry, through the committee, should provide enough information about each nominee so the Secretary may be able to determine if such person is qualified for the particular position.

Only producers should participate in designating nominees for producer members and alternates and only handlers should participate in designating handler nominees. Such persons should be actively engaged in the production or handling of melons within the district in which they so participate. If a person is engaged in producing or handling melons in more than one district such person should elect the district within which he wishes to participate in electing nominees for committee members and alternates. Each grower or handler would thereby have the same voice in the nomination of committee members.

Regardless of the number of districts in which a person produces or handles melons each person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries and affiliates and representatives in nominating members and alternates for the committee. This provision is deemed necessary as an appropriate safeguard for the protection of all growers and handlers participating in their respective meetings irrespective of the size of an individual's operations. This limitation, however, is construed to mean that one vote may be cast for each position which is to be filled.

To provide an administrative agency at all times to administer the proposed order, the Secretary should be allowed to select committee members and alternates without regard to nominations if, for any reason, nominations are not submitted to him in conformance with the procedures prescribed therein. Such selection should be on the basis of the representation provided in the proposed order to insure that all producers and handlers in the production area are fairly and adequately represented on the committee.

Provision also must be made for the selection and nomination of a public member and alternate. The record indicates that nominees for the public member and alternate shall be selected by the incumbent committee and should be forwarded to the Secretary no later than January 15 prior to beginning of term of office. The nominees would be selected under procedures recommended by the committee and approved by the Secretary. It is

also reasonable to require that the names of nominees for the initial public member and alternate be submitted to the Secretary as soon as possible but not later than 90 days after the first regular meeting of the producers and handlers on the initial South Texas Melon Committee.

Each person selected by the Secretary as a committee member or alternate should qualify by filing with the Secretary a written acceptance of his willingness and intention to serve in such capacity. Such acceptance should be filed within ten days after notification of such selection, or by such other time as the Secretary prescribes. This requirement is necessary so that the Secretary may be in a position to promptly select some other eligible person to serve as a member or alternate in the event the initially selected member or alternate fails to properly qualify or indicate his willingness and intention to serve on the committee.

It is also desirable and necessary that the Secretary be authorized to fill vacancies on the committee without regard to nominations if the names of nominees to fill such vacancies are not made available to him within 30 days after such vacancy occurs. This requirement is necessary to maintain continuity of the committee operations and to insure that all groups of the industry are adequately represented in the conduct of committee business.

Committee members and alternates while on committee business will necessarily incur some expenses. Reasonable expenses, which may include travel and living expenses, should be reimbursed so as to avoid personal financial loss to members which might otherwise occur because of their service to the committee. These provisions should also extend to alternate members when performing official duties.

The committee should be given those specific powers which are set forth in Section 608c(7)(C) of the act because such powers are granted by the enabling statutory authority and they are necessary for an administrative agency, such as the South Texas Melon Committee, to carry out its proper functions.

The committee's duties as set forth in the proposed order are necessary for the discharge of its responsibilities. The duties established for the committee are generally similar to those specified for administrative agencies under other programs of this nature. They are reasonable and necessary if the committee is to function in the manner prescribed under the act and the proposed order. It should be recognized that the duties specified are not necessarily all inclusive and it is probable that there are other duties which the committee may need to perform which are incidental to, and not inconsistent with, these specified duties.

(c) The committee should be authorized to incur such expenses as the Secretary finds are reasonable and legitimate and are incidental to the proper administration of the proposed order. Authorized expenses should include such items as salaries for the committee manager and staff, office equipment, supplies and maintenance, as well as travel expenses for the committee staff, members, and alternates incurred in connection with committee activities. However, the authority to incur expenses should not be confined to a predetermined list.

Expenses incurred by the committee in operating the proposed order must, under the act, be borne by handlers. The fairest and most practical way of distributing the costs of the program among handlers is to require each handler who first handles melons to pay his pro rata share of such expenses on the basis of the ratio of his total melon shipments to the total shipments by all first handlers during each fiscal period. The first handler is most generally the person who is the applicant for inspection on each shipment. In addition, such person is usually the one who starts the commodity on its way to market. For melons which are not inspected, the handler responsible for assessment should continue to be the handler who first handles the melons and should be so designated by the committee. The requirement that first handlers pay assessments will preclude multiple assessments on melons that are handled more than once.

The committee should be required to prepare a budget prior to or at the beginning of each fiscal period showing estimates of income and expenditures necessary for the administration of the order for such period. The budget should be presented to the Secretary with an analysis of its components and an explanation thereof in the form of a report. No increase should be made in the total budget without prior recommendation of the committee and approval of the Secretary.

The committee should be authorized to recommend a rate of assessment to the Secretary which is designed to bring in during each fiscal period sufficient income to cover expenses incurred by the committee.

The rate of assessment should be established by the Secretary on the committee's recommendation, which should be based on estimated expenses and the volume of shipments during a fiscal period. Such rate should be applied on a fair and equitable unit basis, such as per carton, hundredweight, carload or truckload.

Each handler, therefore, who ships melons as the first handler thereof, should pay assessments to the committee upon demand, which assessments shall be in payment of such handler's pro rata share of the program's expenses, so that the committee may have adequate funds to carry out its operations on a current basis.

Should developments indicate that assessments collected, or to be collected, during any fiscal period will not provide sufficient income to cover committee expenses, the committee should be authorized to recommend that the Secretary approve an amended budget and fix an increased rate of assessment. If such a revised budget is approved, together with an increased rate of assesement, such increased rate should be retroactive to the beginning of the fiscal period, so as to avoid inequities among handlers.

Record evidence shows that the committee should have authority to continue assessments for the maintenance and functioning of the committee even though grade, size, or other regulations may not be in effect for a certain period, inasmuch as there might be administrative work being carried on that would require financing, and to maintain managerial continuity.

If, at the close of a fiscal period the committee has a carryover of funds in excess of expenses, and such funds are not retained in a reserve, handlers should be entitled to a proportionate refund. Such refund should be credited to each contributing handler against his operations for the following fiscal period, unless payment should be demanded, in which event the proportionate refund should be paid.

Good business practice requires provision for contingencies. The committee should be authorized with approval of the Secretary, to set aside excess funds in a reserve to be used for specific purposes. Such funds could be used to allow the committee to function at the beginning of a season prior to the time assessment income is available or to cover any deficits during a fiscal period in which assessment income is not sufficient to cover expenses. In order that reserve funds not be accumulated beyond a reasonable amount, however, a maximum in the reserve fund of an amount sufficient to operate for two fiscal periods should be authorized.

Any balance remaining after liquidation should be prorated, to the extent practical, to the persons from whom such funds were collected.

All funds received by the committee may be used only for administration of the proposed order. The committee should be required to maintain books and records clearly reflecting the operations of its affairs, so that its administration may be subject to inspection at any time by the Secretary. This is

merely a sound business practice. Also, persons who will have anything to do with committee funds should be adequately bonded by a bonding company with a permit to do business in the State of Texas.

Each member and each alternate, as well as employees, agents, and other persons working for or on behalf of the committee should be required to account for all receipts and disbursements, funds, property, or records for which they are responsible and the Secretary should have the authority, at any time, to ask for such accounting.

Whenever any person ceases to be a member or alternate of the committee he should be required to account for all receipts, disbursements, funds, property, books, records, and other committee assets for which he is responsible. Such person would also be required to execute assignments or such other instruments as may be appropriate to vest in his successor, or any agency or person designated by the Secretary, the right to all such property and all claims vested in such person.

If the committee should recommend that the operations of the marketing order should be suspended, or if no regulations should be in effect for a part or all of a marketing season, the committee should be authorized to recommend, as a practical measure, that one or more of its members, or any other person, should be designated by the Secretary to act as a trustee during such period. This would provide a practical method for taking care of the committee's business affairs during periods of inactivity and would permit resumption of operations with a minimum of delay.

(d) The record indicates that one of the important functions of the South Texas Melon Committee would be to provide for production and marketing research and marketing development projects designed to improve or promote the production and marketing of melons. The act, as amended, permits such projects and such authorization should be included in the proposed order.

Research into production, transportation, methods of handling, containers, and studies on the relative merits of different stages at which melons should be marketed are other examples which the committee may deem worthy of investigation.

As the industry and the committee become more aware of the value of and need for production and marketing research and market developmemt, projects will undoubtedly be initiated, the need for which cannot be foreseen. Therefore, the committee should have the authority to recommend and the Secretary should have the authority to approve the establishment of appropriate projects. After approval, the committee should be empowered to engage in or contract for such projects, to spend funds for that purpose, and to consult and cooperate with other agencies with regard to their establishment. All such projects should receive the prior approval of the Secretary.

(e) The declared policy of the act is to establish and maintain such orderly marketing conditions for melons, among other commodities, as will tend to establish parity prices to growers and be in the public interest. The regulation of the handling of melons by grade, size, quality, or container, or any combination thereof, as authorized in the proposed order, provides a means of carrying out such policy.

The procedures and methods outlined in the proposed order for the development of marketing policies provide a practical basis for the committee to obtain appropriate and adequate information relating to melon marketing problems. As a prerequisite to making recommendations with respect to limitations of shipments in accordance with the proposed order, the committee should be required to consider and develop a marketing policy for the handling of melons.

A marketing policy should set forth the over-all plan for the committee for orderly marketing of melons during the ensuing season, including, to the extent practical, the kinds of regulations that may be desirable. Such marketing policy should be made available through the various news media to producers and handlers in the production area as soon as possible at the beginning of each season in order to give them ample time to familiarize themselves with proposed regulations and plan their individual operations in accordance therewith. It should also be made available to the Secretary to aid him in evaluating the recommendations of the committee for regulations.

The factors set forth in the proposed order which the committee should consider in developing its marketing policy are necessary for a proper evaluation of the market outlook. The committee should have available all of the latest supply and price information for its area and competing areas. It should know, from information available and from the informed members themselves, the condition and quality of the crop in its area as well as in competing areas. The committee members themselves will be informed concerning problems peculiar to the area, such as prospective quality and maturity of the crop, and will be able to consider these factors in determining the marketing policy.

If the marketing policy should need amending or modifying during a season, the committee should be authorized to do so and the Secretary should receive a report regarding the revised policy. The committee should give the same publicity to each revised policy report as is given to the initial report in order to notify producers and handlers of the changes.

The South Texas Melon Committee, as the local administrative agency under the proposed order, should be authorized to recommend such grade, container, pack, size, and quality regulations, as well as any other regulations and amendments thereto authorized by the proposed order, as will tend to effectuate the declared policy of the act. It is essential to successful operation of the proposed marketing program that the committee should have such responsibility. The Secretary should look to the committee, as the agency reflecting the thinking of the industry, for its views and recommendations for promoting more orderly marketing conditions so as to improve growers' returns for production area melons. The committee should, therefore, have authority to recommend such regulations as are authorized whenever such regulations will, in the judgment of the committee, tend to improve returns to producers.

The proposed order authorizes the Secretary, on the basis of committee recommendations or other available information to issue various grade, size, quality, pack, container, and other appropriate regulations which are necessary for the improvement of marketing conditions for production area melons. The Secretary should not be precluded from using such information which he may have, and which may or may not be available to the committee for consideration, in issuing such regulations. Also, when he determines that any regulation no longer tends to effectuate the declared policy of the act, the proposed order obviously should provide authority to amend or terminate the regulation.

The grade, size, quality, container or pack of melons which are shipped to market at any particular time have a direct effect on returns to producers. Record evidence shows that the marketing of low quality unpackaged melons harms the reputation of production area melons, thus decreasing the demand for them. The result is less money to all producers, even for the packaged better grades and sizes.

Cull melons shipped in bulk are the most serious cause of price decline and are the principal disruption to orderly marketing, especially in the nearby markets. If regulations are issued then the act requires that cull melons be prohibited from entering the fresh market. The only economically feasible alternative sales outlet for such melons is for livestock feed. The most

efficient and least cost safeguard to assure they would not enter the prohibited fresh market channels is to require they roll over spikes or be otherwise marred as they leave the packing house.

By having authority to regulate shipment of melons by grade, size, quality, pack, and container during any period, the shipment of low quality melons can be restricted to the extent deemed necessary by the committee and in accord with the particular preference for quality, sizes, or packs during any period. This should enhance the reputation of South Texas melons and result in higher returns for production area melons.

The committee may also have a need to prescribe rules and regulations, subject to approval by the Secretary, whereby any or all melons inspected shall be identified by appropriate seals, stamps, or tags affixed to the containers by the handler. In areas where warehouse or lot inspections are used, compliance problems under a marketing order program can be more difficult than in other areas where all lots are inspected at the time of loading. Also, in areas where truck movement is relatively important, compliance can be a problem. Both of these situations apply to the production area.

The marking requirement could be used if it was found that uninspected lots were being substituted for inspected warehouse lots, or if trucks were moving out of the production area with uninspected melons when check stations are not being operated. Therefore, it is concluded that the provision for identifying shipments or containers by marking or labeling under appropriate rules and regulations recommended by the committee and approved by the Secretary would be necessary and incidental to successful operation of the proposed order, and should be included therein.

The proposed order should provide for prompt notification of the committee by the Secretary whenever he takes action with respect to regulations and the committee should promptly notify the industry of any such actions. This requirement is appropriate and necessary for the proper and efficient administration of the program.

The proposed order should provide for the amendment, modification, suspension or terminatin of regulations whenever such action is warranted upon recommendation of the committee or other available information. The need for this authority is obvious in that flexibility will oftentimes be required to adjust regulations to effectuate the declared policies of the act. Likewise, it is obvious that if regulations no longer tend to effectuate the declared policy of the act they should be terminated.

The proposed order is intended to improve marketing conditions with respect to commercial shipments, mainly carlots or truck lots, of melons going into the markets. However, some smaller shipments are occasionally made which constitute a very minor percentage of the total movement and are much smaller in volume than what is normally considered a commercial shipment. It may be an accommodation sale which most handlers deal in from time to time, or they may give their product to friends. Such handling would be in a nuisance category insofar as requirements under the order would be concerned. Therefore, authority should be contained in the proposed order to relieve such shipments from regulations, assessments, or inspection when such is in the best interest of the program.

The Secretary should be authorized upon the basis of the recommendations and information submitted by the committee to modify, suspend or terminate regulations with respect to the handling of melons for purposes other than for disposition in normal trade channels. Melons moving to or serving such outlets are usually handled in a different manner, or such outlets usually accept different grades, sizes, qualities, packs and containers, or different prices are returned, or combinations of such considerations may apply. Such shipments usually do not have any appreciable effect on the marketing of the great bulk of melons handled in commercial markets. The proposed order should provide authority for the committee to give appropriate consideration to the handling of melons for such purposes so that every opportunity may be taken to improve marketing conditions for melons thereby tending to increase total returns to melon growers in the production area.

Such outlets would be for relief, charity, experimental purposes, export, or other purposes which may become apparent in the future and which would be specified by the committee and approved by the Secretary. Most shipments intended for relief of charity are usually by the way of donation, and the committee should have authority to recommend waiving of the requirements in regard to these shipments since they do not interfere with regular commercial movement. Shipments are sometimes made for experimental purposes such as to study improved varieties or improved shipping containers, or in order to develop new markets for melons. Since these studies are intended to benefit the industry as a whole, no particular purpose would be served by the application of all the requirements of the proposed order to such shipments. Some export markets accept or prefer certain grades or sizes which normally are discounted for domestic markets. The proposed order should provide for appropriate modification, suspension or termination of regulations with respect to movement of melons to export outlets so that these demands can be met and the sale of the melons grown in the production area will continue to such markets.

Other outlets or special purposes may arise that are not known at this time. If such outlets are found not competitive with fresh market channels the committee may recommend and the Secretary may approve such movement under modified, suspended or terminated regulations.

The authority for modifying, suspending or terminating grade, size, quality, assessment, or inspection regulations should be accompanied by additional administrative authority for the committee to recommend, and the Secretary to prescribe, adequate safeguards to prevent shipments for such purposes from entering market channels contrary to provisions of such special regulations. Authority for the establishment of safeguards should include such limitations or appropriate qualifications on shipments which are necessary and incidental for proper and efficient administration of the proposed order.

Inspection of melons grown in the production area by the Federal or Federal-State Inspection Service is necessary for the purpose of determining officially whether shipments meet requirements effective under marketing regulations issued pursuant to the proposed order. The Federal or Federal-State Inspection Service has operated in Texas for many years and melon producers and handlers throughout the production area are well acquainted with the service and with the inspection which it offers on shipments of melons. The service is available at melon packing sheds throughout the entire production area and reasonably prompt inspection can be given at all such points. Provision is made in the proposed order for inspection of melons grown in the production area by the Federal or Federal-State Inspection Service during any period in which the handling of melons is regulated under the program. Inspection and certification requirements should apply to all melons shipped under regulations issued under the proposed order except when relieved thereform pursuant to rules and regulations applicable to minimum quantities or special purpose shipments.

Inspection and certification requirements are necessary so that the shipper as well as subsequent handlers, the committee, and other interested par-

ties may determine if shipments comply with the regulations in effect and applicable to such shipments. Effective regulation of the handling of melons grown in the production area requires evidence that each shipment is in compliance with regulations under the order and the provision for inspection and certification affords the practical means of establishing the fact that the shipments do comply and can be so identified.

Responsibility for obtaining inspection should fall primarily on the handler who first handles regulated melons after they have prepared for market since he is usually the person responsible for the grade, size, quality, pack and container in which the melons are being shipped or handled. However, each handler, regardless of whether the first or subsequent handler, should be required to bear responsibility for determining that each of his shipments is inspected and certified. Identification and certification is essential to proper administration of the order so that a determination may be made as to whether each shipment accords with regulations issued thereunder. The handler who first handles melons should be required to obtain such inspection. Subsequent handlers should not be permitted to handle melons unless a properly issued inspection certificate, valid under the terms of the order, applies to such melons. If a handler should receive melons which have not been inspected, he should be responsible for having them inspected before selling or transporting them. This procedure avoids the potential shift of responsibility which would be expected to occur in the absence of making each handler responsible for inspection and certification of any uninspected melons handled by him. This requirement is also necessary so that the committee can obtain evidence in the form of inspection certificates to determine whether the requirements of regulations in effect are being met.

Whenever any shipments of melons subject to regulation have been inspected, but are later dumped from the containers in which they were inspected, or the lot on which the inspection certificate was issued is broken up, such melons can no longer be specifically identified with reference to the inspection certificate. If any such lot of melons should thereafter be repacked, the repacked melons have a new identity. Any subsequent handling of such melons should be in compliance with regulations in effect. Otherwise, effective regulation will not be obtained. Therefore, the order should provide that the committee may require the person who handles melons after they have be repacked, resorted, or regraded to have such melons reinspected and recertified prior to further handling so that the shipper thereof as well as subsequent handlers and the committee may determine that such shipments comply with regulations in effect and applicable to melons that have been repacked or regraded.

The committee with the approval of the Secretary should be authorized to determine the length of time an inspection certificate is valid insofar as the requirements of the proposed order are concerned. Such requirement is appropriate and necessary especially with respect to floor lot or platform inspections which might be administratively desirable to accommodate handlers and truckers. Like most of the more perishable fruits and vegetables, the character of South Texas melons changes during marketing. In a relatively short time the quality of melons may be appreciably different from that indicated at time of inspection. It would not be practical and feasible for the committee to rely upon inspection certificates which are not reasonably current.

Copies of inspection certificates issued pursuant to the requirements of the proposed order should be supplied by the Inspection Service to the committee promptly so it can discharge its administrative responsibilities under the program.

The committee should be authorized to recommend, and the Secretary to issue regulations requiring that melons transported by motor vehicle shall be accompanied by a copy of the inspection certificate issued thereon or by other approved evidence of inspection. These requirements may include the surrender of such documents to such authority or agency as designated by the Secretary upon committee recommendation. The committee is authorized under the proposed order to administer its terms and provisions and this procedure enables the committee to enforce regulations in connection with the movement of melons passing through compliance check stations which may be set up along the production area boundary. Since nearly all melons produced in the production area move by truck such authority is necessary to effectuate the other provisions of the proposed order.

The committee should have authority, with the approval of the Secretary, to require that handlers submit to it such reports and information as are needed to perform its functions. It is difficult to anticipate every type of report, or kind of information, which the committee may need in administering the program, but it should have the authority, subject to the approval of the Secretary, to request reports and information if needed, of the type set forth in the proposed order. The standards to be followed by the committee in requesting handlers to furnish reports should follow principles included in the rules incorporated in § .80 of the proposed order and such reports should be those necessary for operation of the committee in carrying out its responsibilities under the order. Reports furnished to the committee should be submitted in such manner and at such times as the committee, with approval of the Secretary, may designate. Such reporting procedures should be in accord with the needs and requirements of the committee which are essential to administration of the order because changing conditions may warrant changes in the forms and methods of reporting. The right to approve, and also to modify, change, or rescind, any requests by the committee for information is retained by the Secretary in order to protect handlers from unreasonable requests for reports.

Since it is possible that a question may arise with respect to compliance with the proposed order, each handler should maintain complete records of his handling and disposition of melons for a period of not less than two years after the end of each crop year.

In order to determine handlers' compliance with the proposed order and regulations issued thereunder, the committee with approval of the Secretary should be authorized to prescribe through rules and regulations, the type records and documents which shall be maintained by each handler with respect to each sale of melons. Such authorization should include authority for requiring proof or evidence of sale for each lot of melons sold, including the date of sale, the name of the buyer, the quantity, price, grade and size, the buyer's confirmation and record of payment, and other pertinent information which may be required by the committee. This information should be available for inspection by an authorized agent of the committee or the Secretary.

Any or all reports and records submitted for committee use by handlers shall remain under apporpriate protective classification and be disclosed to none other than persons authorized by the Secretary. Such reports would become part of the committee's and the Secretary's records. Any reported information released to the industry should be on a composite basis, and no such release of information should disclose either the identity of the handlers or their operations.

Except as provided in the proposed order, no handler should be permitted to handle melons, the handling of which is prohibited by the proposed order or pursuant to regulations issued under the proposed order. If the program is to be effective, no handler

should be permitted to evade its provisions since such action on the part of one handler, although possibly of small impact on the industry measured by the proportion of melons handled by him, such action would, in any appreciable aggregate, tend to impair operation of the program and otherwise render it ineffective.

The provisions of §§ .82 through .92 as published in the FEDERAL REGISTER of October 31, 1978 (43 FR 50685), and as hereinafter set forth, are common to marketing agreements and orders now operating. Also, the provisions of §§ .93 through .95 as hereinafter set forth, are included in other marketing agreements now operating. Each of these sections sets forth certain rights, obligations, privileges, or procedures which are necessary and appropriate for the effective operation of the proposed order. These provisions are incidental to, and not inconsistent with, subsections 608c (6) and (7) of the act, and are necessary to effectuate the other provisions of the proposed order and to effectuate the declared policy of the Act. The substance of such provisions, therefore, should be included in the proposed order.

The provisions of §§ .82 through .95 as hereinafter set forth, are generally similar to those which are included in marketing agreements and orders now operating.

Such provisions, identified by section numbers and headings as follows: § .82 Right of the Secretary; § .83 Effective time; § .84 Termination, § .85 Proceedings after termination; § .86 Effect of termination or amendments; § .87 Duration of immunities; § .88 Agents; § .89 Derogation; § .90 Personal liability; § .91 Separability and § .92 Amendments, are incidental to and not inconsistent with the act and are necessary to effectuate the other provisions of the order and to effectuate the declared policy of the Act.

The hearing record supports the inclusion of each such provision in the order. Those provisions which are applicable to the proposed marketing agreement only, identified by section number and heading, are as follows: § .93 Counterparts; § .94 Additional parties; and § .95 Order with marketing agreement. Such provisions are also included in marketing agreements now in effect and the record supports inclusion of such provisions in the marketing agreement.

Rulings on briefs of interested parties. At the conclusion of the hearing the Administrative Law Judge fixed December 29, 1978, as the final date for interested parties to file proposed findings and conclusions and written agreements or briefs based upon the evidence received at the hearing.

One brief was filed on behalf of the South Texas Melon Steering Committee. Every point in the brief was carefully considered along with record evidence in making the findings and conclusions contained herein.

General findings. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) The marketing agreement and order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said marketing agreement and order regulate the handling of melons grown in the production area in the same manner as, and are applicable only to persons in the respective classes of commercial or industrial activity specified in, a proposed marketing agreement and order upon which a hearing has been held;

(3) The said marketing agreement and order are limited in their application to the smallest regional production area which is practicable, consistent with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) All handling of melons grown in the production area, as defined in said marketing agreement and order, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Recommended marketing agreement and order. The following marketing agreement and order are recommended as the detailed means by which the foregoing conclusions may be carried out.

DEFINITIONS

§ .1 *Secretary.*

"Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the Department of Agriculture to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ .2 *Act.*

"Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674).

§ .3 *Person.*

"Person" means an individual, partnership, corporation, association, or any other business unit.

§ .4 *Production area.*

"Production area" means the counties of Bee, Brooks, Cameron, Duval, Hidalgo, Jim Hogg, Jim Wells, Kenedy, Kelleberg, La Salle, Live Oak, McMullen, Nueces, Refugio, San Patricio, Starr, Webb, Willacy, and Zapata in the State of Texas.

§ .5 *Melons.*

"Melons" means all varieties of *Cucumis melo*, commonly called muskmelons and including but not limited to varieties *reticulatus* and *inodorus*, grown in the production area. Such varieties include cantaloupes, honeydew and honey ball melons. Watermelons (*Sitrullaus lanatus*) are not included in the foregoing definition.

§ .6 *Handler.*

"Handler" is synonymous with "shipper" and means any person (except a common or contract carrier of melons owned by another person) who handles melons or causes melons to be handled.

§ .7 *Handle.*

"Handle" or "ship" means to harvest, grade, package, sell, transport, or in any other way to place melons grown in the production area, or cause such melons to be placed, in the current of commerce within the production area or between the production area and any point outside thereof. Such term shall not include the transportation, sale, or delivery within the production area of field-run melons to a person for the purpose of having such melons prepared for market.

§ .8 *Grower.*

"Grower" is synonymous with "producer" and means any person engaged in a proprietary capacity in the production of melons for market.

§ .9 *Committee.*

"Committee" means the South Texas Melon Committee established pursuant to § .22.

§ .10 *Fiscal period.*

"Fiscal period" means the annual period beginning and ending on such dates as may be approved by the Secretary pursuant to recommendations of the committee.

§ .11 *Grade, size, and maturity.*

"Grade," "size," and "maturity" mean, respectively, any of the officially established grade, size, or maturity definitions as set forth in the U.S. Standards for Grades of Cantaloupes (§§ 2851.475-2851.494(c) of this title) or U.S. Standards for Grades of Honey Dew and Honey Ball Type Melons (§§ 2851.3740-2851.3749 of this title), including amendments, modifications, or variations thereof, or, such other grades, sizes, and maturities as may be recommended by the committee and approved by the Secretary.

§ .12 *Grading.*

"Grading" is synonymous with "preparing melons for commercial market" and means sorting or separation of melons into grades, sizes, maturities, or packs or any combination thereof, for handling.

§ .13 *Pack.*

"Pack" means a quantity of melons specified by grade, size, weight, or count, or by type or conditions of container, or any combination of these recommended by the committee and approved by the Secretary.

§ .14 *Container.*

"Container" means any carton, crate, box, bag, hamper, pallet bin, package, basket, bulk load, or any other type of receptacle used in handling melons.

§ .15 *Varieties.*

"Varieties" means and includes all classifications, subdivisions, or types or melons according to those definitive characteristics now and hereinafter recognized by the U.S. Department of Agriculture or recommended by the committee, and approved by the Secretary.

§ .16 *Export.*

"Export" means shipment of melons to any destination which is not within the 48 contiguous States, or the District of Columbia, of the United States.

§ .17 *District.*

"District" means each of the geographic divisions of the production area initially established pursuant to § .24 or as reestablished pursuant to § .25.

§ .18 *Part an subpart.*

"Part" means the Order Regulating the handling of Melons in South Texas and all rules and regulations, and supplementary orders issued thereunder. The aforesaid Order Regulating the Handling of Melons Grown in South Texas shall be a "subpart" of such "part."

COMMITTEE

§ .22 *Establishment and membership.*

(a) There is hereby established a South Texas Melon Committee, consisting of ten (10) members, to administer the terms and provisions of this part. Six members shall be growers, three members shall be handlers, and one shall be a public member. Each shall have an alternate who shall have the same qualifications as the member.

(b) Each member, other than the public member, shall be an individual who is, prior to his selection and during his term of office (1) a resident of the production area, and (2) a grower or handler, or an officer or employee of a grower or handler, or of growers' cooperative marketing organization.

(c) Five members shall be growers from District No. 1 and one member shall be a grower from District No. 2. No person, if he handles melons, shall be eligible for selection as a grower member on the committee unless at least 100 percent of the melons handled by him during the fiscal period immediately preceding his proposed selection to the committee were his own production or unless such person is an officer or employee of a growers' cooperative marketing association. Three members shall be handlers from District No. 1.

(d) The public member and alternate shall be a resident of the production area and be neither a grower nor a handler and shall have no direct financial interest in the commercial production, financing, buying, packing or marketing of melons, except as a consumer, nor shall such person be a director, officer or employee of any firm so engaged.

§ .23 *Term of office.*

(a) Except as otherwise provided in paragraph (b) of this section, the term of office of committee members and their respective alternates shall be for two years and shall begin as of March 1 and end the last day of February or for such other two year period as the committee may recommend and the Secretary approve. The terms shall be so determined that approximately one-half of the total committee membership shall terminate each year. Members and alternates shall serve in such capacity for the portion of the term of office for which they are selected and have qualified, and until their respective successors are selected and have qualified;

(b) The term of office of the initial members and alternates shall begin on the effetive date of this subpart. Approximately one-half the initial committee members and alternates shall serve for a 1 year term.

§ .24 *Districts.*

To determine a basis for selecting committee members, the following districts of the production area are hereby initially established:

District No. 1: (Valley) the counties of Cameron, Hidalgo, Starr, Brooks, Kleberg, Jim Hogg, Kenedy, and Willacy in the State of Texas.

District No. 2: (Laredo-Coastal Bend) the counties of Zapata, Webb, Duval, Jim Wells, Nueces, San Patricio, La Salle, McMullen, Live Oak, Bee, and Refugio in the State of Texas.

§ .25 *Redistricting.*

The committee may recommend, and the Secretary may approve, the reapportionment of members among districts, and the reestablishment of districts within the production area. In recommending any such changes, the committee shall give consideration to:

(a) Shifts in melon acreage within the districts and within the production area during recent years;

(b) The importance of new production in its relation to existing districts;

(c) The equitable relationship of committee membership and districts; and

(d) Other relevant factors. No change in districting or in apportionment of members within districts may become effective less than 30 days prior to the date on which terms of office begin each year and no recommendations for such redistricting or reapportionment may be made less than 6 months prior to such date.

§ .26 *Nominations.*

(a) Initial members. For nominations to the initial committee, the meeting or meetings may be sponsored by the U.S. Department of Agriculture or by any agency or group requested to do so by the Department. The nominations, resulting from these meetings, for each of the six initial grower and three initial handler members of the committee, together with nomination for the initial alternate members for each position shall be submitted to the Secretary prior to the effective date of this subpart.

(b) Successor members. (1) The committee shall hold or cause to be held, not later than January 15 of each year, or such other date as may be specified by the Secretary, a meeting or meetings of growers and handlers in each district for the purpose of designating at least one nominee for each position as member and for each position as alternate member of the committee which is vacant, or which is about to become vacant;

(2) The names of nominees shall be supplied to the Secretary at such time and in such manner and form as he may prescribe;

(3) Only growers may participate in designat- ing grower nominees and only handlers may participate in designating handler nominees to the committee;

(4) Only growers and handlers who are present at such nomination meetings, or represented at such meetings by a duly authorized employee, may participate in the nomination and election of nominees for members and their alternates.

(c) Each person, whether grower or handler, is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representa-

tives in designating nominees for committee members and alternates. An eligible voter's privilege of casting only one vote shall be construed to permit a voter to cast one vote for each position to be filled;

(d) The public member and alternate member shall be nominated by the members of the committee. The public member and alternate member shall not be growers or handlers, or employees of growers or handlers. The committee shall recommend rules for receiving names of persons to be considered for nomination to the public member and alternate positions. Rules shall also be recommended for establishing eligibility of persons nominated to the public member and alternate positions. The persons nominated for the public member and alternate positions shall be submitted by the incumbent committee to the Secretary by January 15, or such other date recommended by the committee and approved by the Secretary, of the years the terms expire together with information deemed pertinent by the committee or as requested by the Secretary. The names of the nominees for the initial public member and alternate shall be submitted to the Secretary not later than 90 days after the first regular meeting of the initial South Texas Melon Committee.

§ .27 *Selection.*

Committee members and alternates shall be selected by the Secretary on the basis of representation provided for in § .22 from nominations made pursuant to § .26.

§ .28 *Failure to nominate.*

If nominations, including initial nominations, are not made within the time and manner prescribed in § .26, the Secretary may, without regard to nominations, select the members and alternates on the basis of the representation provided for in § .22.

§ .29 *Acceptance.*

Any person selected by the Secretary as member or as an alternate member of the committee shall, prior to serving as such, qualify by filing a written acceptance with the Secretary within the time period specified by the Secretary.

§ .30 *Vacancies.*

To fill committee vacancies, the Secretary may select members or alternates from nominees on the latest nomination reports or from nominations made in the manner specified in § .26 or from other eligible persons. If the names of nominees to fill any such vacancy are not made available to the Seretary within 30 days after such vacancy occurs, the vacancy may be filled without regard to nomination, but such selection shall be made on the basis of representation provided for in § .22.

§ .31 *Alternate member.*

An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate, during such member's absence or when designated to do so by such member. In the event both a member of the committee and his alternate are unable to attend a committee meeting, the member or his alternate or the committee, in that order, may designate another alternate from the same district and the same group (handler or grower) to serve in such member's stead. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor of such member is selected and has qualified. The committee may request the attendance of alternates at any or all meetings, notwithstanding the expected or actual presence of the respective members.

§ .32 *Procedure.*

(a) Seven members of the committee shall be necessary to constitute a quorum and the same number of concurring votes shall be required to pass any motion or approve any committee actions.

(b) In assembled meetings all votes shall be cast in person. However, the committee may provide for meetings by telephone, telegraph, or other means of communication and any vote cast at such meetings shall be promptly confirmed in writing and recorded in the minutes of each meeting so as to reflect how each member voted.

§ .33 *Expenses.*

Members and alternates, when serving as members of the committee, shall serve without compensation but shall be reimbursed for such expenses authorized by the committee and necessarily incurred by them in attending committee meetings and in the performance of their duties under this part: *Provided,* That the committee at its discretion may request the attendance of one or more alternates at any or all meetings notwithstanding the expected or actual presence of the respective members and may pay expenses as aforesaid.

§ .34 *Powers.*

The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violation of the provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ .35 *Duties.*

The committee shall have, among others, the following duties:

(a) As soon as practicable after the beginning of each term of office, to meet and organize, to select a chairman and such other officers as may be necessary, to select subcommittees, and to adopt such rules, regulations, and bylaws for the conduct of its business as it deems necessary, and to recommend nominees for the public member and alternate;

(b) To act as intermediary between the Secretary and any grower or handler;

(c) To furnish to the Secretary such available information as he may request;

(d) To appoint such employees, agents, and representatives as it may deem necessary, to determine the compensation and define the duties of each such person, and to protect the handling of committee funds through fidelity bonds;

(e) To investigate from time to time and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to melons;

(f) To recommend research projects to the Secretary in accordance with this part;

(g) To notify handlers of each meeting of the committee to consider recommendations for regulations and of all regulatory actions taken which might affect growers or handlers and to provide such notification to producers through appropriate news releases or such other means as may be available to the committee;

(h) To give the Secretary the same notice of meetings of the committee and its subcommittee as is given to its members;

(i) To prepare a marketing policy;

(j) To recommend marketing regulations to the Secretary;

(k) To recommend rules and procedures for, and to make determination in connection with appropriate safeguards;

(l) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee and such minutes, books, and records shall be subject to examination at any time by the Secretary or his authorized agent or representative. Minutes of each committee meeting shall be reported promptly to the Secretary;

(m) Prior to or at the beginning of each fiscal period, to prepare a budget of anticipated expenses for such fiscal period, together with a report thereon;

(n) To prepare periodic statements of the financial operations of the committee and to make copies of each such statement available to producers

and handlers for examination at the office of the committee;

(o) To prepare and forward to the Secretary, prior to the last day of each fiscal period, an annual report, and make a copy available to each handler and grower who requests it. This annual report shall contain at least:

(1) A complete review of the regulatory operations during the fiscal period;

(2) An appraisal of the effect of such regulatory operations upon the melon industry; and

(3) Any recommendations for changes in the program.

(p) To cause the books of the committee to be audited by a competent accountant at least once each fiscal period and at such other times as the committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant to this part. Two copies of such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of the committee for inspection by growers and handlers; and

(q) To consult, cooperate, and exchange information with other marketing order committees and other individuals or agencies in connection with all proper activities and objectives under this part.

EXPENSES AND ASSESSMENTS

§ .40 *Expenses.*

The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred during each fiscal period by the committee for its maintenance and functioning, and for such purposes as the Secretary, pursuant to this subpart, determines to be appropriate. Each first handler's pro rata share of such expenses shall be proportionate to the ratio between the total quantity of melons handled by him as the first handler thereof during a fiscal period and the total quantity of melons so handled by all handlers as first handlers thereof during such fiscal period.

§ .41 *Budget.*

Prior to or at the beginning of each fiscal period and as may be necessary thereafter, the committee shall prepare an estimated budget of income and expenditures necessary for the administration of this part. The committee may recommend a rate of assessment calculated to provide adequate funds to defray its proposed expenditures. The committee shall present such budget to the Secretary with an accompanying report showing the basis for its calculations.

§ .42 *Assessments.*

(a) The funds to cover the committee's expenses shall be acquired by the levying of assessments upon handlers as provided for in this subpart. Each handler who first handles melons shall pay assessments to the committee upon demand, which assessments shall be in payment of such handler's pro rata share of the committee's expenses;

(b) Assessments shall be levied during each fiscal period upon handlers at a rate per unit established by the Secretary. Such rates may be established upon the basis of the committee's recommendations and other available information;

(c) At any time during or after a given fiscal period the committee may recommend the approval of an amended budget and an increase in the rate of assessment in conformance with § .41. Upon the basis of such recommendations, or other available information, the Secretary may approve an amended budget and increase the assessment rate. Such increase shall be applicable to all melons which were handled by each first handler thereof during such fiscal period;

(d) The payment of assessments for the maintenance and functioning of the committee may be required irrespective of whether particular provisions of this part are suspended or become inoperative;

(e) To provide funds for the administration of the provisions of this part the committee may accept the payment of assessments in advance;

(f) If a handler does not pay his assessment within the time prescribed by the committee, the assessment may be increased by a late payment charge or an interest charge at rates prescribed by the committee with the approval of the Secretary.

§ .43 *Accounting.*

(a) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purposes specified in this part. At the end of the fiscal period an annual financial audit shall be conducted by a competent accountant and two copies sent to the Secretary;

(b) The Secretary may at any time require the committee, its members and alternates, employees, agents, and all other persons to account for all receipts and disbursements, funds, property, or records for which they are responsible. Whenever any person ceases to be a member of the committee or alternate, he shall account to his successor, the committee, or to the person designated by the Secretary, for all receipts, disbursements, funds, and property (including but not limited to books and other records) pertaining to the committee's activities for which he is responsible, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in the successor, the committee, or person designated by the Secretary, the right to all such property and funds and all claims vested in such person;

(c) The committee may make recommendations to the Secretary for one or more of the members thereof, or any other person to act as a trustee for holding records, funds, or any other committee property during periods of suspension of this part, or during any period or periods when regulations under this part are not in effect, and, if the Secretary determines such action appropriate, he may direct that such person or persons may act as such trustee or trustees.

§ .44 *Excess funds.*

(a) If, at the end of a fiscal period the assessments collected are in excess of expenses incurred, each handler entitled to a proportionate refund of any such assessments which represent payments by the handler in excess of his pro rata share, shall be credited with such refund against his operations of the following fiscal period or such excess shall be accounted for in accordance with one of the following:

(1) The committee, with the approval of the Secretary, may establish an operating monetary reserve and may carry over to subsequent fiscal periods excess funds in a reserve so established, except funds in the reserve shall not exceed approximately two fiscal periods' expenses. Such reserve funds may be used (i) to defray any expenses authorized under this part, (ii) to defray expenses during any fiscal period prior to the time assessment income is sufficient to cover such expenses, (iii) to cover deficits incurred during any fiscal period when assessment income is less than expenses, (iv) to defray expenses incurred during any period when any or all provisions of this part are suspended or are inoperative, and (v) to cover necessary expenses of liquidation in the event of termination of this part. Any funds remaining after termination should be refunded to handlers on a pro rata basis. If it is found impracticable to return such remaining funds to handlers, such funds shall be disposed of in such manner as the Secretary may determine to be appropriate.

(2) If such excess is not retained in a reserve or used to defray necessary expenses of liquidation, as provided for in subparagraph (1) of this paragraph, it shall be refunded proportionately to the handlers from whom collected, except any sum paid by any handler in excess of his pro rata share of the expenses during any fiscal period may be applied by the committee at the end of

such fiscal period to any outstanding obligations due the committee from such handler.

RESEARCH AND DEVELOPMENT

§ .48 *Research and development.*

The committee, with the approval of the Secretary, may establish or provide for the establishment of production research, marketing research, and development projects designed to assist, improve, or promote the marketing, distribution, consumption, or efficient production of melons. The expenses of such projects shall be paid from funds collected pursuant to § .42.

REGULATIONS

§ .50 *Marketing policy.*

(a) Prior to or at the same time initial recommendations in any fiscal period are made pursuant to § .51, and as the Secretary may require, the committee shall prepare a marketing policy statement. Notice of such marketing policy shall be given to producers, handlers, and other interested parties by bulletins, newspapers, or other appropriate media, and copies thereof shall be submitted to the Secretary and shall be available at the committee office to all interested parties;

(b) Marketing policy statements relating to recommendations for regulations shall give appropriate consideration to melon supplies for the remainder of the season, with special consideration to:

(1) Estimates of total supplies including grade, size, and quality thereof, in the production area;

(2) Estimates of supplies of melons in competing areas;

(3) Estimates of supplies of other competing commodities;

(4) Market prices by grades, sizes, containers, and packs;

(5) Anticipated marketing problems;

(6) Level and trend of consumer income; and

(7) Other relevant factors.

§ .51 *Recommendations for regulations.*

Upon complying with requirements of § .50, the committee may recommend regulations to the Secretary when it finds that such regulations as are authorized in this order will tend to effectuate the declared policy of the act.

§ .52 *Issuance of regulations.*

(a) The Secretary shall limit by regulation the handling of melons when he finds from the recommendations and information submitted by the committee, or from other available information, that such regulations would tend to effectuate the declared policy of the act.

(b) Such regulations may:

(1) Limit the handling of particular grades, sizes, maturities, qualities, or packs, or any combination thereof, of any or all varieties of melons during any period;

(2) Limit the handling of particular grades, sizes, naturities, qualities, or packs of melons differently for different varieties, for different markets, for different containers, or any combination of the foregoing, during any period;

(3) Fix the size, capacity, weight, dimension, or pack of the container, or containers, which may be used in the packaging or handling of melons, including appropriate container markings to identify the contents thereof.

(c) The regulations or any portions of such regulations issued hereunder may be amended, modified, suspended, or terminated by the Secretary whenever it is determined:

(1) That such action is warranted upon recommendation of the committee or other available information;

(2) That such action is essential to provide relief from inspection, assessment, or regulations under paragraph (b) of this section for minimum quantities less than customary commercial transactions; or

(3) That regulations issued hereunder obstruct or no longer tend to effectuate the declared policy of the act.

§ .54 *Handling for special purposes.*

Regulations in effect pursuant to § .42, § .52, or § .60 may be modified, suspended, or terminated by the Secretary, upon recommendation of the committee, to facilitate handling of melons for: (a) Relief or charity, (b) experimental purposes, (c) exports, and (d) other special purposes, which may be recommended by the committee and approved by the Secretary.

§ .55 *Safeguards.*

The committee, with the approval of the Secretary, may establish, through rules and regulations, the requirements with respect to proof that shipments made pursuant to § .54 were handled and used for the purpose stated.

§ .56 *Notification of regulation.*

The Secretary shall promptly notify the committee of regulations issued and of any modification, suspension, or termination thereof. The committee shall give notice thereof to all handlers of melons in the production area. In addition, the committee shall make the information available to growers through appropriate news releases or such other means as may be available.

INSPECTION

§ .60 *Inspection and certification.*

(a) Whenever the handling of melons is regulated pursuant to § .52 or at other times when recommended by the committee and approved by the Secretary, no handler shall handle melons unless they are inspected by an authorized representative of the Federal-State Inspection Service and are covered by a valid inspection certificate, except when relieved from such requirements pursuant to § .52(c), or § .54, or paragraph (b) of this section. The cost of such inspection shall be borne by the applicant.

(b) Regrading, resorting, repacking any lot of melons, or breaking any lot (without continuing identification of applicable inspection or subcertification thereof) shall invalidate any applicable inspection certificate insofar as the requirements of this section are concerned. No handler shall handle melons after a lot has been broken, regraded, repacked, or resorted, or in any other way additionally prepared for market, unless such melons are inspected by an authorized representative of the Federal or Federal-State Inspection Service. Such inspection requirements on regraded, resorted, repacked, or broken lots of melons may be modified, suspended or terminated upon recommendation by the committee, and approval of the Secretary.

(c) Insofar as the requirements of this section are concerned, the length of time for which an inspection certificate is valid may be established by the committee with the approval of the Secretary.

(d) When melons are inspected in accordance with the requirements of this section, a copy of each inspection certificate issued shall be made available to the committee by the Inspection Service.

(e) The committee may recommend and the Secretary may require that no handler shall transport or cause the transportation of melons by motor vehicle or by other means unless such shipment is accompanied by a copy of the inspection certificate issued thereon, or such other documents as may be required by the committee. Such certificates or documents shall be surrendered to proper authorities at such time and in such manner as may be designated by the committee, with the approval of the Secretary.

REPORTS

§ .80 *Reports.*

Upon request of the committee, made with the approval of the Secretary, each handler shall furnish to the committee, in such manner and form and at such time as it may prescribe, such reports and other information as

may be necessary for the committee to perform its duties under this part.

(a) Such reports may include, but are not necessarily limited to, the following:

(1) The number of acres of melons and the approximate dates planted, for all melons which will be handled by each handler;

(2) The quantities of melons received by a handler;

(3) Identification of the inspection certificates relating to the melons which were handled pursuant to § .52 or § .54 or both.

(b) All such reports shall be held under appropriate protective classification and custody by the committee, or duly appointed employees thereof, so that the information contained therein which may adversely affect the competitive position of any handler in relation to other handlers will not be disclosed. Compilations of general reports from data submitted by handlers is authorized, subject to the prohibition of disclosure of individual handlers' identities or operations.

(c) Each handler shall maintain for at least 2 succeeding years such records and documents on melons received by him as may be necessary to verify reports submitted to the committee pursuant to this section.

(d) For the purpose of assuring compliance with recordkeeping requirements and certifying reports of handlers, the Secretary and the committee, through their duly authorized employees or agents, shall have access to any premises where applicable records are located, and where melons are handled, and at any time during reasonable business hours shall be permitted to inspect such handler's premises and examine any and all records of such persons with respect to matters within the purview of this part.

(e) Any person filing a report, record, or application that is willfully misrepresented shall be subject to the legal penalties for such misrepresentation of Government reports.

COMPLIANCE

§ *.81 Compliance.*

Except as provided in this subpart, no handler shall handle melons, the handling of which has been prohibited by the Secretary in accordance with provisions of this subpart, or the rules and regulations thereunder, and no handler shall handle melons except in conformity with the provisions of this part.

MISCELLANEOUS PROVISIONS

§ *.82 Right of the Secretary.*

The members of the committee (including successors and alternates) and any agents or employees appointed or employed by the committee shall be subject to removal or suspension by the Secretary at any time. Each and every order regulation, decisions, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ *.83 Effective time.*

The provisions of this subpart or any amendment thereto shall become effective at such time as the Secretary may declare and shall continue in force until terminated in one of the ways specified in this subpart.

§ *.84 Termination.*

(a) The Secretary shall, whenever he finds that any or all provisions of this subpart obstruct or do not tend to effectuate the declared policy of this act, terminate or suspend the operation of this subpart or such provision thereof.

(b) The Secretary shall terminate the provisions of this subpart at the end of the then current fiscal period whenever he finds that such termination is favored by a majority of the growers who, during a representative period determined by the Seretary, have been engaged in the production for market of melons within the production area: *Provided*, That such majority has during such representative period, produced for market more than 50 percent of the volume of such melons produced for market.

(c) The provisions for this subpart shall, in any event, terminate whenever the provisions of the Act authorizing them cease to be in effect.

§ *.85 Proceedings after termination.*

(a) Upon the termination of the provisions of this subpart, the then functioning members of the committee shall continue as joint trustees for the purpose of settling the affairs of the committee by liquidating all funds and property then in the possession of or under control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such persons as the Secretary may direct; and shall, upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such persons full title and right to all of the funds, property and claims vested in the committee or the trustees pursuant to this subpart.

(c) Any person to whom funds, property or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

§ *.86 Effect of termination or amendments.*

Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendments to either thereof, shall not (a) affect or waive any right, duty, obligation or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart, or (b) release or extinguish any violation of this subpart or any regulation issued under this subpart, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ *.87 Duration of immunities.*

The benefits, privileges and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ *.88 Agents.*

The Secretary may, by designation in writing, name any person, including any officer or employee of the U.S. Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ *.89 Derogation.*

Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ *.90 Personal liability.*

No member or alternate member of the committee nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others in any way whatever, to any handler or to any person for errors in judgment, mistakes or other acts, either of commission or omission, as such member, alternate, agent or employee, except for acts of

dishonesty, willful misconduct or gross negligence.

§ .91 *Separability.*

If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

§ .92 *Amendments.*

Amendments to this subpart may be proposed from time to time, by the committee or by the Secretary.

§ .93 *Counterparts.*

This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.[1]

§ .94 *Additional parties.*

After the effective date hereof, any handler may become a party to this agreement if a counterpart is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.[1]

§ .95 *Order with marketing agreement.*

Each signatory handler hereby requests the Secretary to issue, pursuant to the act, an order providing for regulating the handling of melons in the same manner as is provided for in this agreement.[1]

A Draft Impact Analysis is available from Charles R. Brader, Acting Director, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, Washington, D.C. 20250, Phone (202) 447-4722.

Copies of this Recommended Decision are being mailed to known interested persons. Others may obtain copies from Mr. Brader or David B. Fitz, Marketing Field Office, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, 320 North Main, Room A-103, McAllen Texas 78501.

Signed at Washington, D.C., on February 6, 1979.

WILLIAM T. MANLEY,
Marketing Program Operations.

[FR Doc. 79-4588 Filed 2-9-79; 8:45 am]

[1] Applicable only to the proposed marketing agreement.

[3410-02-M]

[7 CFR Part 932]

OLIVES GROWN IN CALIFORNIA

Order Directing That a Referendum Be Conducted; Determination of Representative Period for Voter Eligibility; and Designation of Referendum Agents To Conduct the Referendum

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Referendum order.

SUMMARY: This document directs that a referendum be conducted among growers of olives grown in California to determine whether they favor continuance of the marketing agreement and order program.

DATES: Referendum period March 31 through April 16, 1979.

ADDRESSES: See information contained in supplementary information.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: Pursuant to § 932.68 of the marketing agreement, as amended, and Order No. 932, as amended (7 CFR Part 932), and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), it is hereby directed that a referendum be conducted within the period March 31, 1979, through April 16, 1979, among the growers who, during the period September 1, 1978, through December 1, 1978 (which period is hereby determined to be a representative period for the purposes of such referendum), were engaged, in the State of California, in the production of olives covered by the amended marketing agreement and order to ascertain whether continuance of the amended marketing order is favored by the growers.

O. C. Fuqua and Richard Van Diest, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Federal Building, 1130 "O" Street, Room 3114, Fresno, California 93721, are hereby designated as referendum agents of the Secretary of Agriculture to conduct said referendum. The procedure applicable to the referendum shall be the "Procedure for the Conduct of Referenda in Connection with Marketing Orders for Fruits, Vegetables, and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended" (7 CFR 900.400 et seq.).

Copies of the text of the amended marketing order may be examined in the office of the referendum agents or of the Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

Ballots to be cast in the referendum will be mailed to all known olive growers and may also be obtained from the referendum agents.

Dated: February 5, 1979.

P. R. "BOBBY" SMITH,
Assistant Secretary for Marketing Services.

[FR Doc. 79-4637 Filed 2-9-79; 8:45 am]

[3410-02-M]

[7 CFR Part 1133]

MILK IN THE INLAND EMPRIE MARKETING AREA

Proposed Termination of Proceeding

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of proposed termination of rulemaking proceeding.

SUMMARY: This notice invites written comments from interested parties on a proposal by the Department to terminate the current rulemaking proceeding for the Inland Empire milk market. The single issue in this proceeding is a request by a dairy farmer cooperative to relax the limit on the amount of milk that handlers and cooperative associations may "divert" off the fluid market to manufacturing outlets. A public hearing on the request was held July 28, 1978. Recently, the cooperative association informed the Department that since the hearing it has been making certain changes in the marketing of its members' milk. Because of these changes, the cooperative believes that there is no longer a need for relaxing the diversion limits as proposed and supported at the hearing. This situation suggests that there is no basis for completing the proceeding.

DATE: Comments are due on or before February 27, 1979.

ADDRESS: Comments (four copies) should be filed with the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT:

Maurice M. Martin, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-7183.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding: Notice of hearing—Issued July 10, 1978, published July 13, 1978 (43 FR 30066).

Order suspending certain provisions—Issued September 1, 1978, published September 8, 1978 (43 FR 39955).

Order suspending certain provisions—Issued December 7, 1978, published December 12, 1978 (43 FR 58079).

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et. seq.*), termination of the proceeding as set forth in a notice of hearing on proposals to amend certain provisions of the order regulating the handling of milk in the Inland Empire marketing area is being considered. The aforesaid notice of hearing was issued July 10, 1978 (43 FR 30066) and the hearing was held on July 28, 1978.

All persons who desire to submit written data, views, or arguments in connection with the proposed termination should file the same with the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C., 20250, not later than February 27, 1979. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Cleark during regular business hours (7 CFR 1.27(b)).

STATEMENT OF CONSIDERATION

This proposed action would terminate a rulemaking proceeding which began July 10, 1978, on a proposal that would have increased the limit on the amount of producer milk that a cooperative association or other handlers may divert from pool plants to nonpool plants during each month. The hearing, which was held on July 28, 1978, was requested by a cooperative association that supplies the market with a substantial part of its fluid needs and handles much of the market's reserve milk supplies.

The proponent cooperative, Northwest Dairymen's Association, through its agent, Consolidated Dairy Products Company, recently notified the Department of certain changes that it is making in the marketing of its members' milk under the order. Because of these changes, the cooperative believes that there is no longer a need for relaxing the diversion limits as proposed and supported at the hearing.

On the basis of available information, it is clear that marketing conditions have changed significantly since the hearing, thereby making the record evidence out of date. In view of proponent's recent indication that it does not need the order changes it proposed, it appears that the proceeding should be terminated.

Signed at Washington, D.C., on: Feburary 5, 1979.

WILLIAM T. MANLEY,
Deputy administrator,
Marketing Program Operations.

[FR Doc. 79-4587 Filed 2-9-79; 8:45 am]

[3410-07-M]

Farmers Home Administration

[7 CFR Part 1951]

SERVICING AND COLLECTIONS

Recapture of Section 502 Rural Housing Subsidy

AGENCY: Farmers Home Administration, USDA.

ACTION: Proposed rule.

SUMMARY: The Farmers Home Administration (FmHA) proposes to add regulations regarding the recapture of subsidies granted on section 502 Rural Housing loans approved after October 30, 1978. The intended effect of this action is to reduce profits attributable to a government subsidy as a result of sale of the home and to reduce program costs and enable FmHA to serve additional families. This action is required by recently enacted legislation.

DATES: Comments must be received on or before April 13, 1979.

ADDRESS: Submit written comments to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6316, Washington, DC 20250. All written comments made pursuant to this notice will be available for public inspection at the address given above.

FOR FURTHER INFORMATION CONTACT:

Mr. Mathias (Matt) J. Felber, 202-447-4295.

SUPPLEMENTARY INFORMATION: On November 3, 1978, FmHA added § 1822.15(b)(1)(iii) and paragraph 12, Exhibit E to Subpart A, Part 1822, Chapter XVIII, Title 7, Code of Federal Regulations (43 FR 51385); to provide for securing the recapture of any interest credits or subsidies to be granted borrower(s) by the Government.

FmHA proposes to add a new Part 1951, Servicing and Collections, to 7 CFR Chapter XVIII. At this time, Part 1951 consists of Subpart I, which contains more detailed regulations on the method of recapture of section 502 Rural Housing Subsidies.

This proposal contributes to the implementation of Pub. L. 95-557 by providing for the recapture of all or a portion of the subsidy granted a borrower as interest credits or homeownership assistance and an incentive for borrowers to maintain the property. The regulation will apply only to section 502 Rural Housing loans approved after October 30, 1978. A copy of the Draft Impact Analysis is available in the Program Analysis Branch, Farmers Home Administration (FmHA), South Agriculture Building, Washington, DC 20250. This regulation has been determined significant under the USDA procedure implementing Executive Order 12044.

FmHA proposes to add the following Part 1951 to 7 CFR Chapter XVIII:

PART 1951—SERVICING AND COLLECTIONS

Subpart I—Recapture of Section 502 Rural Housing Subsidy

Sec.
1951.401 Purpose.
1951.402 Policy.
1951.403 1951.405 [Reserved]
1951.406 Recapture of subsidy.
1951.407 Determining amount of subsidy to recapture.
1951.408 [Reserved]
1951.409 Finance office responsibility.
1951.410 Transfer of real estate security.
1951.411-1951.450 [Reserved]

Exhibit A—Subsidy Repayment agreement.

Exhibit B—Subsidy Repayment Fact Sheet.

AUTHORITY: 42 U.S.C. 1480; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.

Subpart I—Recapture of Section 502 Rural Housing Subsidy

§ 1951.401 Purpose.

This procedure outlines the policies and procedures for the recapture of interest credits or Homeownership Assistance Program (HOAP) subsidy granted on initial and subsequent section 502 Rural Housing (RH) loans, transfers, and credit sales approved after October 30, 1978.

§ 1951.402 Policy.

The policy of FmHA is to recapture all or a portion of the Interest Credit and HOAP Assistance (hereafter known as subsidy) granted, while providing incentive for the borrower to occupy and maintain the property in marketable condition. The amount of subsidy to be repaid by the borrower is based on the amount of subsidy granted by the Government as compared to the real estate equity when the loan is repaid. The real estate that secures the RH loan is the only security for the subsidy granted the borrower.

§§ 1951.403–1951.405 [Reserved]

§ 1951.406 Recapture of subsidy.

Subsidy granted on section 502 RH initial and subsequent loans, assumption on same or new terms, and credit sales are subject to recapture if the loan, assumption or credit sale is approved after October 30, 1978. The subsidy is to be repaid when:

(a) The borrower sells, transfers, or without the Government's consent does not occupy the property or requests a release of the Government's lien on the property, or

(b) The government forecloses the mortgage securing the loan or the property is voluntarily conveyed to the government.

§ 1951.407 Determining amount of subsidy to be recaptured.

The amount of subsidy to be repaid to the Government will be based on the amount of subsidy granted on the loan, the appreciation in property value between the closing date of the loan and the date the account is satisfied, the method by which the loan is satisfied, and the period of time the loan is outstanding.

(a) *Voluntary conveyance or foreclosure.* The unpaid balance of loans being liquidated by voluntary conveyance or foreclosure is the sum of unpaid principal, interest, and total subsidy granted on the loan. In case of foreclosure, no deficiency judgment will be sought to recover any subsidy. The Finance Office, if requested by the County Office, will determine the unpaid principal, interest, and amount of subsidy granted.

(b) *Sale, transfer, refinancing, graduation or offer to pay in full.* The unpaid balance of loans being liquidated by sale, transfer, refinancing, graduation or offer to pay in full is the sum of unpaid principal, interest, and a share of the subsidy. The amount of subsidy to be repaid by the borrower will be determined by the Finance Office based on provisions of Form FmHA ——, "Subsidy Repayment Agreement," (Exhibit A incorporated as a part hereof) executed by the borrower at the same time the first Interest Credit Agreement is signed after October 30, 1978. (Borrowers who signed an Interest Credit Agreement with subsidy subject to recapture between October 30, 1978 and receipt of this Instruction will execute a Subsidy Repayment Agreement as soon as possible but no later than the date renewal interest credits are granted.) The County Supervisor will compile and submit the following information to the Finance Office when the loan is to be repaid.

(1) The appraised value of the security property when the loan(s), subject to recapture, was approved.

(2) The unpaid balance of any prior lien.

(3) The selling expense to be paid by the borrower.

(4) The market value of the property on the date the loan is to be paid in full determined by:

(i) An appraisal in the case of a transfer, refinancing or graduation to other credit, voluntary conveyance, or foreclosure, or

(ii) The reported selling price, unless the County Supervisor believes the amount is substantially below the property value. In such cases, an appraisal of the security property will be made. If the appraised value is 5 percent or more above the reported selling price, recapture will be based on the appraised value rather than the selling price.

(5) The date and amount of all outstanding FmHA RH loans on the subject property made to, or assumed by the present borrower.

(6) The date and amount of all loans subject to recapture.

§ 1951.408 [Reserved]

§ 1951.409 Finance Office responsibility.

The Finance Office shall keep a cumulative record of interest credits and HOAP assistance granted after October 30, 1978, on each loan and the amount of payment made by the borrower. When requested by the County Office, the Finance Office will determine the amount owed.

§ 1951.410 Transfer of real estate security.

An RH loan, with subsidy subject to recapture, may be assumed in the same manner as any other loan. In such cases the amount of subsidy to be repaid by the borrower may be assumed and amortized with principal and interest in lieu of making a subsequent loan to repay the subsidy.

§§ 1951.411–1951.450 [Reserved]

EXHIBIT A

UNITED STATES DEPARTMENT OF AGRICULTURE

FARMERS HOME ADMINISTRATION

Subsidy Repayment Agreement

Date of Note—— Amount of Note——
Date of mortgage
Date of Note—— Amount of Note——
Date or mortgage
Type of assistance:
1. Interest credit ☐
2. Homeownership Assistance Program ☐
Address of Property:
BORROWER: —— ADDRESS:
CO-BORROWER: —— ADDRESS:

1. This agreement entered into pursuant to 7 CFR 1951-I, between the United States of America, acting through the Farmers Home Administration (herein called "the Government") pursuant to section 521 of Title V of the Housing Act of 1949 and the borrower(s) whose name(s) and addresses appear above (herein called "borrower") supplements note(s) from borrower to the Government as described above, and any promissory note(s) for loans made to Borrower(s) in the future by the "Government." Such future notes, when executed, will be listed below the signature line of this Subsidy Repayment Agreement.

2. This agreement sets forth the conditions under which interest credits or Homeownership Assistance Program (HOAP) assistance (hereinafter called subsidy) granted by the Government on the loan(s) is to be repaid by the borrower.

3. The borrower(s) agree that the real property described in the mortgage(s) listed above is pledged as security for the subsidy received or to be received and such subsidy is due and payable upon the transfer of title, or payment of the debt evidenced by the note(s) described herein.

4. The borrower(s) agree that Paragraph 5 of this agreement is null and void should the property described in the mortgage(s) be foreclosed by the Government or voluntarily conveyed to the Government.

5. When the debt is satisfied by other than voluntary conveyance of the property to the Government or by foreclosure, the borrower and the Government agree that sale proceeds will be divided between the borrower and Government in the following order:

(a) Unpaid principal and interest due at the time of sale or transfer will be paid to the government and any lender holding a prior mortgage.

(b) Advances made by FmHA which were not subsidy and still due and payable will be paid to the Government.

(c) Reasonable and necessary sales expenses, actually incurred, will be paid to the borrower. This may include real estate sales commission, transfer fees and other expenses typically paid by the seller in the area.

(d) The amount of principal reduced from the loan calculated at the promissory note interest rate will be paid to the borrower.

(e) Any principal reduction attributed to subsidized interest calculations will be paid to the Government.

(f) The difference between the market value of the security, as determined by appraisal at the time the loan was made and the amount of the FmHA loan and any prior lien will be paid to the borrower. It should reflect item such as "sweat equity," borrower downpayment, value of lot and dwelling owned by the applicant when the loan was made. This amount is ——.

(g) The remaining balance after the payments described above have been paid is called value appreciation. Value appreciation will be divided between the Government and the borrower according to the following formula:

$$(1)\quad \frac{.5\ (\text{Value Appreciation})}{\text{Total Cost}} \times \text{Borrower Payments} = [\text{Payment to the Borrower}]$$

(i) In case of HOAP: Borrower Payment is cumulative amount borrower paid to principal, interest, taxes, insurance, and allowance for utilities and maintenance (PITIUM) and Total Cost is Borrower Payment and Government contribution and allowance to PITIUM during the period the loan was outstanding.

(ii) In case of Interest Credits: Borrower Payment is the cumulative amount the borrower paid to Principal and Interest and Total Cost is the Principal and Interest at

the note rate over the period the loan was outstanding.

(2) Value Appreciation minus (−) Payment to the to Borrower = Amount of subsidy repayment to Government

(3) Subsidy repayment to the government will be reduced by a percentage factor which will add incentive for borrower(s) to occupy and maintain the dwelling. Net subsidy repayment to the government will be the amount determined in (g)(2) as reduced by the percentage factor listed below. The amount reduced in the payment to the government will be paid to the borrower.

No. of years property is held after loan closing	Percent factor
0-4	(1)
5	3
6-10	7
11-15	12
16-20	18
21-25	25
26-30	33
31-33	40

[1] No reduction.

(h) If this agreement is for a subsequent loan(s) only, the amount of repayment determined by (g)(2) above will be reduced by a ratio of the amount of subsequent loan(s) subject to recapture to the original amount of total 502 RH loans.

6. In no case can the amount recaptured by the Government, as determined in Paragraph 5(g) of this exhibit exceed the amount of the subsidy granted by the Government.

7. When a FmHA RH loan is repaid by other than sale of property, the amount of subsidy to be repaid the Government will be determined in the same manner as described in 5 but based on an appriased value determined by FmHA instead of sales price. In such cases, the subsidy due the government will remain a lien on the property until paid. It must be paid upon non occupancy, sale or other transfer of title to the property.

8. I (we) have read and agree to the provisions of this agreement.

——— Borrower By ———
(FmHA official) ——— Co-Borrower
———(Title) ———Date signed.

EXHIBIT B

SUBSIDY REPAYMENT FACT SHEET

Subsidy granted by FmHA to Section 502 Rural Housing borrowers on loans approved after October 30, 1978, are subject to recapture. This means that when a borrower's home is sold, transferred or otherwise disposed of FmHA may claim repayment of all or part of the interest credit or home ownership assistance subsidy. FmHA will recapture on the basis of a formula that permits the borrower to retain a portion of the value appreciation available when the home is sold or the mortgage otherwise paid-off.

The purpose for granting a housing subsidy is to assist a borrower to obtain decent, safe, and sanitary housing. Housing subsidy costs have risen dramatically in recent years. Through the use of a subsidy repayment agreement, the borrower and the Government share this cost. Borrower's contribution to subsidy cost will be from equity acquired through appreciation of the mortgaged property. Therefore, the longer the borrower lives in and maintains the property, the greater the portion of the subsidy the borrower may retain.

How will it work?

1. The Mortgages, or Deeds of Trust, signed by those receiving interest credit or home ownership assistance subsidy, contain a provision making the amount of subsidy a lien against the property.

2. When a house is sold, transferred or the mortgage is refinanced, the amount to be recaptured will be due and payable.

3. When a borrower pays off the loan, but continues to live in the dwelling, recapture will be calculated, at the time of pay off for repayment upon transfer or nonoccupancy. This protects the borrowers from being forced to sell their home just because of recapture.

4. A formula, printed on the subsidy repayment agreement and available for all to view, will be used to calculate the borrower and FmHA shares of any value appreciation.

Dated: February 5, 1979.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

[FR Doc. 79-4652 Filed 2-9-79; 8:45 am]

[6450-01-M]

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[18 CFR Part 281]

[Docket No. RM 79-13]

NATURAL GAS REQUIRED FOR ESSENTIAL AGRICULTURAL USES

Natural Gas Policy Act of 1978; Interstate Pipeline Curtailment Plans; Extention of Time

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Extension of time.

SUMMARY: The notice of proposed rulemaking issued in this docket on January 10, 1979, 44 FR 3052, stated that interstate pipelines would be required to file tariff sheets by February 6, 1979 (10 CFR 281.104). The Commission will not be able to issue a final rule by February 6. When the final rule is issued, it will set a date for the filing of any tariff sheets that may be required.

FOR FURTHER INFORMATION CONTACT:

Romulo L. Diaz, Jr., Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 275-3771, or

Martin A. Burless, Office of Pipeline and Producer Regulation, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. (202) 275-4349.

KENNETH F. PLUMB,
Secretary.

FEBRUARY 2, 1979.

[FR Doc. 79-4677 Filed 2-9-79; 8:45 am]

[4210-01-M]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

[24 CFR Part 201]

[Docket No. R-79-622]

PROPERTY IMPROVEMENT AND MOBILE HOME LOANS

Minimum Leasehold Terms

AGENCY: Department of Housing and Urban Development.

ACTION: Proposed rule.

SUMMARY: The proposed rule would permit property improvement loans financing "built-in" kitchen appliances and carpeting to be made to lessees who hold the property to be improved under a renewable long term lease having a minimum original term of 25 years.

The present regulation requires that such leases have an original term of not less than 99 years and be renewable.

DATE: Comments must be received on or before April 16, 1979.

ADDRESS: Interested persons are invited to submit written comments, suggestions or data regarding the proposed rule to the Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. Communications should refer to the above docket number and title. All relevant material received on or before April 16, 1979, will be considered before adoption of a final rule. A copy of each communication submitted will be available for public inspection during regular business hours at the above address.

FOR FURTHER INFORMATION CONTACT:

William B. Stansbery, Title I Loan Insurance Division, Dept. Housing & Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410, (202) 755-8686.

SUPPLEMENTARY INFORMATION: A significant number of properties in the State of Hawaii are subject to renewable long-term leases having original terms of less than 99 years but more than 25 years and consequently many borrowers in that State have been unable to obtain FHA Title I

Property Improvement loans for carpeting or kitchen renovations. The proposed rule would remove this restriction.

Accordingly, the Department proposes to amend 24 CFR as follows:

§ 201.6 Eligible loans.

* * * * *

(d) *Use of proceeds—"built-in" kitchens.* * * *

(5) Individuals whose interest in the property to be improved is derived under a lease shall not be considered eligible borrowers unless the lease has an original term of not less than 25 years which is renewable.

(6) * * *

(i) * * * or a lessee under a lease which has an original term of not less than 25 years which is renewable * * *

* * * * *

(g) *Use of proceeds—carpeting.* * * *

(3) The improved property is a residential structure owned by the borrower or is held under a lease having an original term of not less than 25 years which is renewable.

(4) * * * under a lease which has an original term of not less than 25 years which is renewable * * *

* * * * *

(Sec. 7(d) 79 Stat. 670 (42 U.S.C. 3535(d)); sec. 2, 48 Stat. 1246, 12 U.S.C. 1703, as amended.)

Issued at Washington, D.C. February 7, 1979.

LAWRENCE B. SIMONS,
Assistant Secretary for Housing, Federal Housing Commissioner.

[FR Doc. 79-4636 Filed 2-9-79; 8:45 am]

[4210-01-M]

[24 CFR Part 280]

[Docket No. R-78-617]

MOBILE HOME CONSTRUCTION AND SAFETY STANDARDS

Use of Copper Clad Aluminum Conductors

AGENCY: Department of Housing and Urban Development.

ACTION: Proposed Rule.

SUMMARY: The Department is proposing to amend the Federal Mobile Home Construction and Safety Standards to accept certain sizes of copper clad aluminum conductors for use in the branch circuit wiring of mobile homes. This action is being taken as a result of a request received by the Department to approve copper clad aluminum conductors in accordance with section 280.801(e) of the Federal standards. This amendment would permit the use of #10 and #12 AWG copper clad aluminum conductors when installed in accordance with applicable provisions of the National Electrical Code and connected with terminations suitable for use with aluminum wire.

DATES: Comments must be received on or before April 16, 1979.

ADDRESS: Comments shall be addressed to the Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT:

Richard A. Mendlen, Chief, Standards Branch; Mobile Home Standards Division, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410, telephone (202) 426-1872.

SUPPLEMENTARY INFORMATION: Section 280.801(e) of the Federal mobile home construction and safety standards prohibits the use of aluminum conductors in mobile home branch circuit wiring unless they are specifically approved by the Department after examination of proposed systems for individual cases. As discussed in the Preamble to the standards as they were published on September 2, 1975, at 40 FR 40261, the Department prohibited the use of aluminum wire based on the opinion of the Consumer Product Safety Commission that the wire presented an unreasonable risk of injury. The Department also explained that among the types of aluminum wiring systems that it would consider approving under § 280.801(e) were "systems . . . using copper-clad aluminum conductors with appropriate connectors."

Pursuant to a request from manufacturers of copper clad aluminum conductors and based on laboratory test data, the Department now proposes to allow the use of #10 and #12 AWG copper clad aluminum conductors under certain conditions. The Department is also adding appropriate definitions to clarify the applicability of the proposed rule. Because the safety of aluminum conductors remains a controversial issue, the Department believes that any decision to allow their use should be subject to public comment.

The Department proposes this action based on a comparison between copper clad aluminum conductors and other aluminum conductors that indicates that the copper clad conductors can be used safely when subjected to certain requirements. The reasons for the concern about the hazards of aluminum wire and a comparison with copper clad aluminum conductors follow:

1. *Oxidation.* The aluminum oxide that forms on the surface of aluminum conductors under normal operating temperatures inhibits the conduction of electrical current from the wire to the terminal. This problem may be accentuated when the wire is subject to corrosion as a result of exposure to moisture. With the increased resistance, higher than normal voltages are required to provide a conduction path for the electricity. The result is a build up of excessive heat at the terminal and arcing of the current from the conductor to the terminal, both of which constitute fire hazards.

Unlike aluminum oxide, the copper oxide that coats copper wire does not increase the resistance at the terminal and does not result in a fire hazard. Because copper clad aluminum conductors are coated with copper except at the ends or where the copper has been scraped or cut off, the copper clad should not have the same oxidation problem as the aluminum. The test data received by the Department support this conclusion. However, the Department remains concerned that aluminum oxide may form at the ends of the wire and where the copper coating is somehow penetrated so that the aluminum is exposed.

2. *Creep.* Creep is the term used to describe the relaxation of the conductor away from the terminal when the conductor is simply loosening itself away from the connection at the terminal. At temperatures and stresses which commonly occur at electrical terminations, the creep rate for copper conductors is neglible while the rate for aluminum conductors is significant. The result of creep is an increase in resistance and possible overheating of the electrical connection and arcing. The test data indicate that copper clad aluminum conductors have creep characteristics similar to those of copper and would ordinarily stabilize without degrading the continuity of a connection.

While the available test data indicate that copper clad conductors have much the same characteristics as copper conductors under laboratory conditions, the Department is not yet satisfied that they are the same as copper when in actual use. As a result of transportation vibration or improper installation, the copper clad conductors may become loose at the terminals and may lose their copper coating through cutting or nicking of the wire. If this occurs, the aluminum conduc-

tor will be subject to both oxidation and corrosion. In any of these cases, overheating and arcing may occur. The only vibration test of copper clad aluminum conductors of which the Department is aware was not extensive enough to simulate actual transportation conditions, so the Department is unable to conclude that the copper clad conductor will operate acceptably after actual transportation.

As a result of these unanswered concerns, the Department proposed to allow the use of copper clad aluminum conductors only with devices and connectors listed as suitable for use with aluminum wire, commonly referred to as CO/ALR devices. The reason for this is that CO/ALR devices will provide greater assurance that electrical connections made with copper clad aluminum conductors are equivalent to copper wire connections made with non-CO/ALR rated devices. This assurance is provided by the vibration, humidity and torque testing required for certification of a CO/ALR device which are not required for a non-CO/ALR device.

Since the Department believes that copper clad aluminum conductor terminations corrode when located in areas subject to moisture, the proposed rule would prohibit the use of these conductors when they are terminated in wet or damp locations as defined in the National Electrical Code. It would also require that the contact surfaces of CO/ALR devices be made of materials that are not subject to corrosion.

This acceptance of the use of copper clad aluminum conductors is limited to sizes #10 and #12 AWG since the available data related only to those sizes. The Department will consider including other sizes in this acceptance if adequate supporting data are submitted.

A Finding of Inapplicability of Section 102(2)(c) of the National Environmental Policy Act of 1969 has been made in accordance with HUD Handbook 1390.1. It is available for public inspection in the Office of the Rules Docket Clerk, Room 5218, U.S. Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410, during normal business hours.

These proposed amendments are being signed by two Assistant Secretaries because the standards were originally codified in the Federal Regulations Chapter assigned to the Assistant Secretary of Housing and Mortgage Credit, but the substantive authority for the program has been transferred to the Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection.

Accordingly, the Department proposes to amend 24 CFR Part 280 as follows:

1. By revising paragraph (e) of § 280.801 to read as follows:

§ 280.801 Scope.

* * * * *

(e) With the exception of copper clad aluminum conductors in size #10 and #12 AWG, aluminum conductors are not acceptable in branch circuit wiring in mobile homes except as specifically approved by the Department after examination of proposed systems for individual cases.

2. By adding new paragraphs (a)(42) and (a)(43) to § 280.802 as follows:

§ 280.802 Definitions.

* * * * *

(a) * * *

(42) "Aluminum conductor" means any conductor or material designed or used to conduct electricity that is made in whole or in part of aluminum.

(43) "Copper clad aluminum conductors" means aluminum conductors that are drawn from copper clad aluminum rods with the copper metallurgically bonded to an aluminum core and of which copper forms a minimum 10 percent of the cross sectional area of a solid conductor or of each strand of a stranded conductor.

3. By adding a new paragraph (q) to § 280.808 as follows:

§ 280.808 Wiring methods and materials.

* * * * *

(q) Copper clad aluminum conductors shall:

(1) only be connected to devices listed for use with aluminum conductors which have electrical contact surfaces that are not subject to corrosion, and

(2) not be terminated in wet or damp locations.

* * * * *

(Secs. 604 and 625, National Mobile Home Construction and Safety Standards Act of 1974, 42 U.S.C. 5403 and 5424, and Sec. 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).)

Issued at Washington, D.C., February 7, 1979.

GENO C. BARONI,
Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection.

LAWRENCE B. SIMONS,
Assistant Secretary for Housing, Federal Housing Commissioner.

[FR Doc. 79-4642 Filed 2-9-79; 8:45 am]

[4910-14-M]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 110]

[CGD 77-028]

MISSISSIPPI RIVER BELOW BATON ROUGE, LA., INCLUDING SOUTH AND SOUTHWEST PASSES

Proposed Anchorage Ground Regulations; Extension of Comment Period

AGENCY: Coast Guard, DOT.

ACTION: Extending of comment period for proposed rules.

SUMMARY: In the FEDERAL REGISTER of December 21, 1978 (43 FR 59521) the Coast Guard proposed amendments to the anchorage regulations for the Lower Mississippi River. This notice extends the comment period for the proposal to March 5, 1979. The original closing date was February 5, 1979. The American Waterways Operators Association has requested an extension of the comment period in order to allow additional time for a thorough review of the proposal.

DATES: As explained above, comments must be received on or before March 5, 1979.

ADDRESSES: Comments should be submitted to and will be available for examination at the Office of the Commander, Eighth Coast Guard District, Hale Boggs Federal Building, 500 Camp Street, New Orleans, LA. 70130.

FOR FURTHER INFORMATION CONTACT:

Lieutenant Commander Howard E. Snow, Office of Marine Environment and Systems (G-WLE/73), Room 7315, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590, (202) 426-1934.

DRAFTING INFORMATION

The principal persons involved in drafting this notice are: lieutenant Commander Howard E. Snow, Office of Marine Environment and Systems, and Lieutenant John W. Salter, Project Attorney, Office of the Chief Counsel.

(Sec. 7, 38 Stat. 1053, as amended (33 U.S.C. 471); sec. 6 (g)(1)(A) 80 Stat. 937, (49 U.S.C. 1655 (g)(1)(A)); 49 CFR 1.46 (c)(1))

Dated: February 5, 1979.

R. H. SCARBOROUGH,
Vice Admiral, U.S. Coast Guard Acting Commandant.

[FR Doc. 79-4600 Filed 2-9-79; 8:45 am]

[4910-14-M]

[33 CFR Part 117]

[CGD 78-171]

DRAWBRIDGE OPERATION REGULATIONS

Gulf Intracoastal Waterway, Pinellas County, Fla.

AGENCY: Coast Guard, DOT.

ACTION: Proposed Rule.

SUMMARY: At the request of the Florida Department of Transportation, the Coast Guard is considering amending the regulations governing the operation of the Clearwater Memorial, Welsh Causeway, Corey Causeway, and Treasure Island Causeway drawbridges across the GIWW, Pinellas County, to provide restricted periods which may assist the flow of vehicular traffic. This action may accommodate the needs of vehicular traffic while still providing for the reasonable needs of navigation.

DATE: Comments must be received on or before March 16, 1979.

ADDRESS: Comments should be submitted to and are available for examination at the office of the Commander (oan), Seventh Coast Guard District, 51 S.W. First Avenue, Miami, Florida 33130.

FOR FURTHER INFORMATION CONTACT:

Frank L. Teuton, Jr. Chief, Drawbridge Regulations Branch (G-WBR/73), Room 7300, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590 (202-426-0942).

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, comments, data or arguments. Persons submitting comments should include their name and address, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal.

The Commander, Seventh Coast Guard District, will forward any comments received with his recommendations to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, Washington, D.C., who will evaluate all communications received and recommend a course of final action to the Commandant on this proposal. The proposed regulations may be changed in the light of comments received.

DRAFTING IMFORMATION: The principal persons involved in drafting this proposal are: Frank L. Teuton, Jr., Project Manager, Office of Marine Environment and Systems, and Mary Ann McCabe, Project Attorney, Office of the Chief Counsel.

Discussion of the Proposed Regulations

A significant increase in vehicular traffic in this area has aggravated traffic problems. The Welsh Causeway, Corey Causeway, and Treasure Island Causeway drawbridges are contributing to this problem because they are presently permitted to open on signal and the Clearwater Memorial drawbridge opens on signal except on weekends. In an effort to alleviate this problem, the Florida Department of Transportation has requested the Coast Guard to impose restrictions for opening these bridges during peak vehicular traffic periods. The Coast Guard is requesting comments from interested and affected parties regarding this proposal.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be amended by revising § 117.466 to read as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

§ 117.466 Gulf Intracoastal Waterway (GIWW), Pinellas County, FL.

(a) Clearwater Harbor, GIWW, mile 136.0, Clearwater Memorial Causeway, S.R. 60, Clearwater, FL. From 9 a.m. to 7 p.m., the draw need not open except on the hour and half-hour to allow any accumulated vessels to pass. At all other times, the draw shall open on signal.

(b) Boca Ciega Bay, GIWW, mile 122.8, Welch Causeway bridge, S.R. 699, Madiera Beach, FL. From 9:30 a.m. to 6 p.m., on Saturdays, Sundays, and legal holidays, the draw need not open except on the hour and half-hour to allow any accumulated vessels to pass. At all other times, the draw shall open on signal.

(c) Boca Ciega Bay, GIWW, mile 117.7, Corey Causeway bridge, S.R. 693, South Pasadena, FL. From 8 a.m. to 7 p.m., Monday through Friday, and 10 a.m. to 7 p.m., Saturdays, Sundays, and legal holidays, the draws need not open except on the hour and half-hour to allow any accumulated vessels to pass. At all other times, the draw shall open on signal.

(d) Boca Ciega Bay, GIWW, mile 119.0, Treasure Island Causeway bridge, Central Avenue, Treasure Island, FL. From 3 p.m. to 6 p.m., Monday through Friday, and from 11 a.m. to 6 p.m., Saturdays, Sundays, and legal holidays, the draws need not open except on the hour and half-hour to allow any accumulated vessels to pass. At all other times, the draw shall open on signal.

(e) The draws of these bridges shall open at any time for the passage of public vessels of the United States, tugs with tows, and vessels in distress. The opening signal from these vessels is four blasts of a whistle, horn, other sound producing device, or by shouting.

(f) The owner of or agency controlling the bridges shall post notices containing the substance of these regulations both upstream and downstream, on the bridges or elsewhere, in such a manner that they can easily be read at all times from an approaching vessel.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5)).

Dated: February 2, 1979.

R. H. Scarborough,
Vice Admiral, U.S. Coast Guard, Acting Commandant.

[FR Doc. 79-4561 Filed 2-9-79; 8:45 am]

[6712-01-M]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[BC Docket No. 79-7; RM-3217]

FM BROADCAST STATION IN BIG PINE KEY, FLA.

Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of Proposed Rule Making.

SUMMARY: Action taken herein proposes the assignment of a first Class A FM channel to Big Pine Key, Florida. Petitioner, Lower Keys Broadcasting Corporation, states the proposed station could render a first local aural broadcast service to Big Pine Key and the Lower Keys Division of Monroe County.

DATES: Comments must be filed on or before April 2, 1979, and reply comments on or before April 23, 1979.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations, (Big Pine Key, Florida); *Notice of Proposed Rulemaking.*

Adopted: February 1, 1979.

Released: February 5, 1979.

By the Chief, Broadcast Bureau:

1. *Petitioner, Proposal and Comments:*

(a) *Notice of Proposed Rule Making* is given concerning amendment of the FM Table of Assignments (§ 73.202(b) of the Commission's Rules) as it relates to Big Pine Key, Florida.

(b) Petition for rule making[1] was filed on behalf of Lower Keys Broadcasting Corporation ("petitioner"), seeking the assignment of Channel 228A to Big Pine Key, Florida, as its first FM assignment. No responses to the petition were received.

(c) Channel 228A could be assigned to Big Pine Key in conformity with the minimum distance separation requirements.

(d) Petitioner states it will promptly apply for and build a station serving Big Pine Key, if the channel is assigned.

2. *Community Data:* (a) *Location:* Big Pine Key is one of the islands in the Lower Keys Division of Monroe County, approximately 201 kilometers (125 miles) southwest of Miami and 48 kilometers (30 miles) northeast of Key West. It is not incorporated.

(b) *Population:* Big Pine Key—4,254;[2] Lower Keys Division—10,352; Monroe County—52,856.[3]

(c) *Local Aural Broadcast Service:* There is no local aural broadcast service in Big Pine Key. It receives service from WKIZ(AM) and WKWF(AM), Key West, and WFFG(AM), Marathon.

3. *Preclusive Impact:* Petitioner claims that preclusion would occur on the co-channel affecting only two communities with over 1,000 population: Key West (29,312) and Marathon (4,397). However, this is not a concern since both of these communities have AM stations and FM assignments.

4. *Community Status:* Petitioner states that Big Pine Key has its own post office and maintains its own fire department. We are told that a community youth center and medical clinic are located at Big Pine Key as well as the Lower Keys Chamber of Commerce, several churches and civic and other organizations. These include a Jaycees, Lions Club, Botanical Society and Civic Association. Various governmental offices are also located there.

5. Petitioner states that no daily newspapers is printed in the Lower Keys Division, although home delivery of the Miami newspaper is available. It adds that the proposed station could serve the needs and interests of Big Pine Key and the Lower Keys Division of Monroe County.

[1] Public Notice of the petition was given on October 13, 1978, Report No. 1145.

[2] There is no Census figure listed for Big Pine Key. As of June, 1977, the Monroe County Department of Waste Control estimated the population of Big Pine Key to be 4,254.

[3] 1970 U.S. Census.

6. Although the information on hand suggests that Big Pine Key is a community, there is some question about its size. Apparently, in 1970 its population was under 1,000 since it does not appear in the 1970 Census which lists all unincorporated communities having a population of a least 1,000. Petitioner asserts that the population has reached 4,254, but it has not explained this dramatic increase. Further information in this regard is needed.

7. In order to consider the possibility of assigning an FM channel to Big Pine Key, the Commission proposes to amend the FM Table of Assignments (§ 73.202(b) of the Rules), as it pertains to Big Pine Key, Florida, as follows:

City	Channel No.	
	Present	Proposed
Big Pine Key, Florida		228A

8. Authority to institute rule making proceedings; showings required; cut-off procedures; and filing requirements are contained below and are incorporated herein.

NOTE.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

9. Interested parties may file comments on or before April 2, 1979, and reply comments on or before April 23, 1979.

10. For further information concerning this proceeding, contact Mildred Nesterak, Broadcast Bureau, (202-632-7792). However, members of the public should note that from the time a notice of proposed rule making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involves channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

FEDERAL COMMUNICATION COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 02.281(b)(6) of the Commission's Rules, it is porposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* above.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making above. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleading. Comments shall be served on the petitioner by the person filing comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b), and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Ref-

erence Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 79-4584 Filed 2-9-79; 8:45 am]

[3510-22-M]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 258]

FISHERMEN'S PROTECTIVE ACT

Proposed Rulemaking

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration.

ACTION: Proposed Rulemaking.

SUMMARY: The National Marine Fisheries Service (NMFS) proposes regulations to implement Section 10 ("Section 10") of the Fishermen's Protective Act of 1967, as amended by Pub. L. 95-376 (the "Act"). Section 10 establishes a program to compensate United States fishermen who have suffered vessel damage, loss, or destruction in any fishery subject to the exclusive management authority of the United States, because of foreign fishing vessels and fishing gear damage, loss, or destruction which is attributable to any other vessel or acts of God.

DATES: Comments must be received no later than April 9, 1979.

ADDRESS: Comments should be sent to: Mr. Michael L. Grable, Chief, Financial Services Division, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Washington, D.C. 20235. All comments submitted will be available for examination by interested persons. Please mark "Section 10" on the envelope.

FOR FURTHER INFORMATION CONTACT:

Michael L. Grable, or Kathryn E. Hensley, Financial Services Division, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Washington, D.C. 20235, Telephone 202-634-7496.

SUPPLEMENTARY INFORMATION: This is a proposal to add a new Subpart C to 50 CFR Part 258. This new subpart is being proposed to implement part of Pub. L. 95-376 which established a system for compensating U.S. fishermen whose fishing vessels or fishing gear have been lost, damaged or destroyed while operating in a fishery subject to the exclusive management authority of the United States under the Fishery Conservation and Management Act of 1976, as amended (16 U.S.C. 1801 et seq.) Eligible fishermen would receive compensation for loss, damage, or destruction of their fishing vessels which is attributable to any foreign vessel (or its crew or fishing gear) and for any fishing gear whose loss, damage or destruction is attributable to the activity of any other vessel, whether or not it is a vessel of the United States, or to an act of God. Thus, the inability of U.S. fishermen to establish the precise identify of the vessel causing the damage to its fishing gear would no longer bar compensation under Section 10 of the Fishermen's Protective Act (22 U.S.C. 1980). Pub. L. 95-376 provides that a claimant be compensated for the depreciated replacement cost or the repair cost of the gear involved, whichever is less. Criminal penalties of up to $25,000 and one year imprisonment or both, may be imposed for any false or misleading statements on the part of any person seeking compensation under this program.

Section 10 is funded primarily by a surcharge levied against foreign fishing vessels operating within the Fishery Conservation Zone. Revenues are also received from subrogated rights, investments of fund balances, administrative fees, and borrowings.

BACKGROUND

The present Section 10 program allows the Secretary to make loans to domestic fishermen whose vessels or gear are damaged by foreign fishing vessel operations in the U.S. Fishery Conservation Zone. These loans are cancellable if it is determined that the applicant was not at fault in the casualty for which the loan had been made. Rules governing the administration of the present Section 10 program are codified as Subpart B of 50 CFR Part 258.

Pub. L. 95-376 amended Section 10 to broaden the type of casualties eligible for compensation, change the method of compensation, and provide a new source of program funding. Since Pub. L. 95-376 substantially amended the present Section 10 program, NMFS proposes to rewrite the program rules in their entirety.

All eligible casualties occurring before January 1, 1979 are governed by the present Section 10 program and will be acted upon in accordance with the rules now governing the present Section 10 program. Casualties occurring after January 1, 1979 are governed by the new Section 10 program and will be governed by these proposed rules.

The Assistant Administrator for Fisheries has made initial determination that these proposed regulations are not significant under Executive Order 12044. The Assistant Administrator has also determined that these proposed regulations do not require the preparation of an environmental impact statement under the National Environmental Policy Act.

Dated: February 6, 1979.

TERRY L. LEITZELL,
Assistant Administrator for Fisheries.

50 CFR Part 258 is proposed to be amended by adding the following Subpart C:

Subpart C—Compensation for Fishing Vessel or Gear Damage in a U.S. Fishery Attributable to Other Vessels or Acts of God.

Sec.
258.20 Purpose and scope.
258.21 Definitions.
258.22 Eligibility.
258.23 Applications.
258.24 Burden of proof and presumptions.
258.25 Amount of compensation.
258.26 Initial determination.
258.27 Final determination.
258.28 Subrogation.
258.29 Payment.
258.30 Penalties.

AUTHORITY: Pub. L. 95-376, 92 Stat. 715 (22 U.S.C. 1980).

Subpart C—Compensation for Fishing Vessel or Gear Damage in a U.S. Fishery Attributable to Vessels or Acts of God.

§ 258.20 Purpose and scope.

(a) This subpart contains the regulations for compensating the owners or operators of United States fishing vessels for casualties occurring after January 1, 1979. Eligible vessel casualties are those which are attributable to any foreign vessel (or its crew or fishing gear). Eligible fishing gear casualties are those which are attributable to acts of God or any other vessel (or its crew or fishing gear), whether or not that vessel is a United States vessel.

(b) For regulations govering casualties occuring before January 1, 1979 see Subpart B.

§ 258.21 Definitions.

Unless the context otherwise requires, in this subpart:

(a) "Act of God" means any act, event, or circumstance:

(1) Which is occasioned exclusively by natural causes; and

(2) Whose effect could not reasonably have been prevented, avoided, or ameliorated by human care, skill, or foresight (either before or after the act, event, or circumstance) of a type, degree, and timeliness which would normally be expected from an ordinarily prudent person in the same situation and under the prevailing circumstances.

(b) "Assistant Administrator" means the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration.

(c) "Casualty(ies)" means loss, damage, or destruction of fishing vessel(s) or fishing gear.

(d) "Fishery" means:

(1) One or more stocks of fish which can be treated as a unit for purposes of conservation, management, and utilization and which are identified on the basis of geographical, scientific, technical, recreational, and economic characteristics; and

(2) Any fishing for such stocks.

(e) "Fishery conservation zone" means the fishery conservation zone established by section 101 of the Fishery Conservation and Management Act of 1976, as amended.

(f) "Fishing" means:

(1) The catching, taking, or harvesting of fish;

(2) The attempted catching, taking, or harvesting of fish;

(3) Any other activity which can reasonably be expected to result in the catching, taking, or harvesting of fish; or

(4) Any operations at sea in support of, or in preparation for, any activity described in paragraphs (1) through (3) of this definition. Fishing does not include any scientific research activity conducted by a scientific research vessel.

(g) "Fishing gear" means any equipment or appurtenance which is: (1) Used for, or of a type which is normally used for, fishing by a fishing vessel, whether or not attached to the vessel, and (2) not considered a part of the fishing vessel for the purpose of recovery under a commercial policy of full hull and machinery and protection and indemnity insurance.

(h) "Fishing vessel" means any vessel, boat, ship, or other craft which is used for, equipped to be used for, or of a type which is normally used for—

(1) Fishing; or

(2) Aiding or assisting one or more vessels at sea in the performance of any activity relating to fishing, including, but not limited to, preparation, supply, storage, refrigeration, transportation, or processing.

(i) "Foreign vessel" means a vessel other than a vessel of the United States, regardless of such vessel's trade or use.

(j) "United States fishery" means any fishery subject to the exclusive fishery management authority of the United States under the Fishery Conservation and Management Act of 1976, as amended.

(k) "United States fishing vessel" means any fishing vessel which is a vessel of the United States.

(l) "Vessel of the United States" means any vessel documented under the laws of the United States or registered under the laws of any State, regardless of such vessel's trade or use.

§ 258.22 Eligibility.

(a) *Applicants.* Only the owner or operator of a United States fishing vessel or fishing gear is eligible for compensation under this subpart.

(b) *Dates.* Casualties occurring after January 1, 1979, are eligible for compensation under this subpart. See Subpart B of this part for regulations governing casualties occurring before January 1, 1979.

(c) *Casualty to fishing vessels.* A casualty to a United States fishing vessel is eligible for compensation under this subpart if it occurred in a United States fishery and is attributable to any foreign vessel.

(d) *Casualty to fishing gear.* A casualty to fishing gear is eligible for compensation under this subpart if it occurred in a United States fishery and is attributable to an act of God or any other vessel, whether or not such vessel is a foreign vessel.

(e) *Reporting requirement.* A casualty to fixed fishing gear attributable to any other vessel is not eligible for compensation unless the location of the gear, prior to the casualty, had been reported to the U.S. Coast Guard for broadcasting to foreign vessels.

(f) *Insurance.* To be eligible for compensation under this subpart, a casualty may not involve a risk which is insurable under a commercial policy of full hull and machinery and protection and indemnity insurance, regardless of whether or not the insurance was in effect at the time the casualty occurred.

(g) *Commercial shipping lanes.* No casualty occurring in a commercial shipping lane is eligible for compensation under this subpart. A "commercial shipping lane", for purposes of this paragraph, is any area commonly recognized as such.

§ 258.23 Applications.

(a) *Who may apply.* Applications under this subpart shall be submitted by the owner or operator whose United States fishing vessel or fishing gear suffered the casualty for which compensation is sought.

(b) *Where to apply.* Applications shall be submitted to the Financial Services Division, National Marine Fisheries Service, Washington, D.C. 20235.

(c) *Time requirement.* Applications must be submitted to the Financial Services Division (NMFS) within 60 calendar days of the date the casualty occurred or was first noticed by the applicant. Applications sent by mail must be postmarked during that 60 day period.

(d) *Contents.* (1) Applications may be submitted on forms provided by the Financial Services Division when such forms are available. Until such forms are available applications shall include the information required by paragraphs (d) through (j) of this section.

(2) Each application shall be signed by the applicant and shall set forth facts sufficient to establish that the applicant meets the eligibility requirements set forth in § 258.22.

(3) Each application shall include as attachments the affidavits and estimates required by this section. For the purposes of this section, an affidavit is a written statement sworn to or affirmed before a notary public.

(e) *Affidavit of vessel master.* Each application shall include an affidavit of the master of the United States fishing vessel which suffered, or whose fishing gear suffered, the casualty for which compensation is sought. If more than one master was involved at any material time before, during, or after the casualty, the application shall include an affidavit from each master. The affidavit shall set forth a full statement of all facts and circumstances before, during, and after the incident resulting in the casualty for which compensation is sought including:

(1) A full description of the nature of the fishing operations which involved the casualty. The description of casualties to fixed fishing gear shall include a diagram and accompanying explanation showing what the various components of the gear involved in the casualty were and how they were arranged while operating.

Example. The description for a casualty to fixed gear would describe: (i) How the gear was fixed, anchored, or otherwise prevented from drifting and with what size, weight, type, material of construction, and number of anchors or other means of affixation; (ii) how many pots, traps, or other units of gear of what size, weight, type, and material of construction were affixed to the gear, how they were affixed, and at what intervals; (iii) how the gear was buoyed, with what size, shape, type, and material of construction buoys, and how many buoys were used at what intervals on the gear set; (iv) what size, weight, type, grade, and material of construction lines, ropes, or cables were used; (v) what provisions were made for the gear having been visible to other vessels; (vi) what provisions were made for the gear having been made capable of relocation and retrieval; (vii) at what depth the gear operated, its length, what area it covered; (viii) what weather or sea conditions the gear was designed to withstand; and (ix) any other relevant details of the casualty.

(2) A full description of the nature and extent of loss, damage, or destruction involved in the casualty, including photographs of the damage where possible.

(3) The time, date, and locational coordinates (in latitude and longitude) of the incident resulting in the casualty. For fixed fishing gear casualties where actual occurrence of the casualty was not observed by witnesses, this shall include: (i) The time, date, and locational coordinates for when the gear was first deployed; (ii) the time, date, and locational coordinates for when the gear was last observed to be in a sound state (if different from the time and date of its deployment); (iii) the time, date, and locational coordinates for when knowledge of the fishing gear casualty first became known; and (iv) a full statement (to the best of applicant's knowledge) of the weather and sea conditions (or any other conditions which could be construed as an act of God) which existed during the period after deployment and before first knowledge of the casualty.

(4) If the casualty was observed during its occurrence, a full description of the act of God or vessel alleged to have caused the casualty (for instance, unusal weather conditions if the cause alleged is an act of God or the other vessel's size, type, flag, name, number, color of house or hull, and other identifying characteristics if the cause alleged is the action of another vessel, and a full description of such vessel's, and/or its crew's, actions before, during, and after its alleged causing of the casualty).

(5) A full description of the actions of the applicant's fishing vessel and its crew before, during, and after the casualty, including all circumstances involving deployment of any gear involved in the casualty and its relocation and retrieval or all attempts at its relocation and retrieval.

(6) A full statement of the reasons for belief that the casualty was caused by another vessel or by an act of God rather than by natural conditions constituting less than an act of God ("act of God" is defined in § 258.21) or by other ineligible causes (for example, defective deployment, defective retrieval, or other circumstances which constitute normal operating contingencies).

(7) A full inventory of all property involved in the casualty, including: Enumeration of all components lost, damaged, or destroyed; their size, type, grade and material of construction; their age; their useful economic life; whether the loss was total or repairable (and, if a combination of both, what components were totally lost, what components were retrieved in what condition, etc.).

(f) *Affidavit of the owner.* Each application shall include an affidavit of the owner of the property involved in the casualty. A single affidavit may be submitted if the vessel master is also the owner of the property concerned. Each affidavit shall include:

(1) A complete inventory of all fishing gear owned by the applicant of a type similar to any gear involved in the casualty for which a claim for compensation is being made. The inventory shall be current as of a date immediately preceding the casualty (the lost, damaged, or destroyed gear must be included in the inventory). The age and remaining useful economic life of each unit of gear on the inventory shall be specified;

(2) The date, place, and cost of acquisition of all fishing gear and components lost, damaged, or destroyed in the casualty. Purchase invoices for such gear and all components shall be submitted if available.

(g) *Estimates.* Each application shall include three estimates, from commercial sources acceptable to the Assistant Administrator, of the present replacement cost of the property lost, damaged, or destroyed and its repair cost if it is repairable.

(h) *Witnesses.* Each application shall include:

(1) The name, address, and telephone number of each known witness to the casualty; and

(2) An affidavit from any material witness to the casualty setting forth any material information possessed by such witness.

(i) *Other evidence.* The Assistant Administrator may, in his or her discretion, require an applicant to submit affidavits, information, explanations, or estimates in addition to those specified in this section.

(j) *Filing fee.* Each application shall include a check or money order made payable to National Marine Fisheries Service for the filing fee. The filing fee is one percent (1%) of the replacement and/or repair (whichever is applicable) cost of the property lost, damaged, or destroyed in the casualty (but in no event shall the filing fee exceed $1,000). The replacement and/or repair cost used to calculate the filing fee is the lowest of the three estimates required by § 258.23(g) to be included in the application. The filing fee is non-refundable.

(k) *Incomplete and abandoned applications.* As soon as practicable after receipt of an incomplete or improperly completed application, the Assistant Administrator shall notify the applicant of the deficiency in the application. The 60-day processing time, within which an Initial Determination shall be made under § 258.26, does not begin to run until an application is determined by the Assistant Administrator to be both proper and complete in all respects. If the applicant fails to correct a deficiency within 60 calendar days following the date of notification of the deficiency the application shall be considered abandoned.

(l) *Amendment of applications.* An application may be amended any time after submission, but prior to the Initial Determination specified in § 258.26. The Assistant Administrator shall make an Initial Determination on the application, as amended, within 60 days from the receipt of the amendment.

§ 258.24 Burden of proof and presumptions.

(a) *Burden of proof.* The applicant has the burden to prove by a preponderance of the evidence the cause of the casualty. An applicant seeking compensation for a casualty to fishing gear has the burden to prove that the gear was deployed, and attempts to retrieve it were, in conformance with customary usage and practice and otherwise constituted the actions of an ordinarily prudent person.

(b) *Presumptions.* (1) *Unobserved fishing gear casualties.*—(i) *Foreign vessels.* (A) Upon the filing of an application for compensation for an unobserved fishing gear casualty, the Assistant Administrator shall compile available data and information concerning foreign vessel activity in the vicinity of the casualty between the date of the gear's deployment (or the date the gear was last seen in a sound state) and the date upon which knowledge of the casualty was first gained.

(B) There is a presumption that a casualty was attributable to a foreign vessel if the Assistant Administrator determines that the data and information compiled under paragraph (A) show that a foreign vessel was in close enough proximity to the fishing gear, or a sufficient number of foreign vessels were in the general vicinity of the fishing gear, between the time of the gear's deployment, and the time of its retrieval or attempted retrieval.

(ii) *Acts of God.* (A) The Assistant Administrator, in cooperation with the National Weather Service, shall attempt to compile a historical average of the means and extremes of weather and sea conditions encompassing the United States Fisheries. This historical average shall be used to determine whether the actual weather or sea conditions prevailing in the vicinity, and at the time of the casualty would constitute an act of God (as opposed to normal weather and sea conditions for that area at that time).

(B) There is a presumption that a casualty was caused by an act of God if the National Weather Service records (and judgments based upon those records) available to the Assistant Administrator show that there were extreme or possibly extreme weather or sea conditions in the vicinity of the gear at the time of its casualty.

(iii) *Non-qualifying casualties.* There is no presumption for casualties alleged to have been caused by domestic vessels. Unobserved fixed fishing gear casualties which do not qualify for the presumptions of § 258.24(b) shall be judged upon the available evidence. If the presumptions in § 258.24(b) are not met because of the inability of the Assistant Administrator to collect the necessary information, the Assistant Administrator shall make a determination based upon the available evidence.

(2) *Observed casualties.* The presumptions for unobserved fishing gear casualties shall not apply to observed casualties.

§ 258.25 Amount of compensation.

(a) *General.* The amount of compensation under this subpart is the amount of casualty under paragraph (b) of this section minus the sum of any deduction for the negligence of the applicant under (e) of this section and any insurance proceeds under paragraph (f) of this section.

(b) *Amount of casualty.* If the property concerned is determined by the Assistant Administrator to be repairable at a cost less than its depreciated replacement cost, the amount of the casualty is the repair cost. The amount of the casualty for property which is totally (actually or constructively) lost or destroyed is its depreciated replacement cost.

(c) *Depreciated replacement cost.* For purposes of this section the depreciated replacement cost is the present replacement cost of the property (at the time the claim is submitted) which has been lost or destroyed, depreciated on a straightline basis over the useful economic life of the property remaining as of the time immediately prior to the casualty.

(d) *Multiple losses.* (1) If multiple units of fishing gear are involved in the casualty and the age, condition, and value of individual units cannot be established to the satisfaction of the Assistant Administrator, the Assistant Administrator may use the average remaining useful economic life for all units identified in the inventory required by § 258.23 in calculating the depreciated replacement cost.

(2) If the average remaining useful economic life of the property involved in the casualty is less than the average remaining useful economic life of all the property in the inventory required by § 258.23, the average remaining useful economic life of the property involved in the casualty shall be used as the basis for calculating the depreciated replacement cost.

Example No. 1. (i) Applicant claims to have lost 100 crab pots with variously remaining useful economic lives averaging 3.5 years. The applicant's gear inventory shows that the applicant owns 500 crab pots (including the 100 involved in the casualty) with variously remaining useful economic lives averaging 2.5 years.

(ii) The replacement cost of the 100 pots involved in the casualty will be depreciated as if they each had a useful economic life of 2.5 years, rather than 3.5 years.

(iii) If the present replacement cost of the pots is $500 each and they have a useful economic life when new of 5 years, the depreciated replacement cost of each pot will be $250 or one-half of the replacement cost (since 2.5 years, or one-half their new useful economic life, was regarded as being remaining at the time of the casualty).

(iv) Thus, the compensation would be 100 pots at a depreciated replacement cost of $250 each, for a total of $25,000.

Example No. 2. If the 100 crab pots described in Example No. 1 had a remaining useful economic life of 1.5 years (instead of 3.5 years), 1.5 years would be the basis for depreciating the cost of the replacement pots, rather than the 2.5 year average remaining useful economic life of the inventory property. Since 1.5 years is 30% of the useful economic life of new pots (1.5 years—5 years) the compensation would be $15,000 (100 pots at a depreciated replacement cost of $150 each).

(e) *Comparative negligence.* In calculating the amount of compensation under this subpart, the amount of casualty under paragraph (b) of this section will be reduced proportionally to the extent that any negligence of the applicant (or the applicant's agents) contributed to the cause or extent of the casualty.

Examples. If 10 percent (10%) of the $25,000 in damages suffered was the result of the applicant's negligence, the applicant would receive $22,500 in compensation. If the negligence of the applicant had caused 90% of the loss, $2,500 in compensation would be received.

(f) *Insurance proceeds.* For purposes of calculating the amount of compensation, the amount of casualty under paragraph (b) of this section will be reduced by the amount the applicant has received, will receive, or would have received from a commercial policy of full hull and machinery and protection and indemnity insurance, whether or not such insurance was in effect at the time the casualty occurred.

§ 258.26 Initial determination.

(a) *Time.* Within 60 days of the receipt of a properly completed application (see § 258.23 (k)), the assistant Administrator shall make an initial determination of the amount of any compensation to be paid the applicant.

(b) *Contents.* An initial determination shall state:

(1) If the application is disapproved, the reasons therefor; and

(2) If the application is approved, the amount of compensation and the basis upon which the amount was determined.

(c) *Notice.* The initial determination shall be mailed to the applicant.

§ 258.27 Final determination.

(a) *Appeal.* Any applicant may, within 30 days after the date of the issuance of an initial determination under § 258.26, file a written request for review of the initial determination with the Assistant Administrator.

(b) *Additional evidence.* The applicant may submit to the Assistant Administrator written information or data relating to the initial determination no later than 30 calendar days after the filing of a petition under paragraph (a) of this section.

(c) *Final determination.* The Assistant Administrator shall issue a final determination on an application within 60 days of the submission of any written information or data by the applicant under paragraph (b) of this section. A copy of the final determination shall be mailed to the applicant.

§ 258.28 Subrogation.

After approval of an applicant's claim, but before compensation is disbursed, the applicant shall execute a subrogation agreement in a form satisfactory to the Assistant Administrator which: (a) Assigns to the Secretary all rights which the applicant may have to proceed against any party who may be liable for damages with respect to any part of a casualty for which compensation is being made hereunder, and; (b) gives, as a condition of continuing to retain the compensation, the applicant's undertaking to assist the Assistant Administrator in any reasonable way to pursue collection of the subrogated rights.

§ 258.29 Payment.

(a) *Amount.* The Assistant Administrator shall compensate the applicant in the amount calculated under § 258.25, minus the approval fee as determined according to paragraph (b) of this section. Payment shall be made to the applicant upon receipt of a properly executed subrogation agreement under § 258.28.

(b) *Approval fee.* The approval fee is 4 percent (4%) of the amount of compensation calculated under § 258.25, but in no case shall the total of the approval fee and the filing fee under § 258.23 (j) exceed $1,000.

§ 258.30 Penalties.

Persons who willfully make any false or misleading statement or representation for the purpose of obtaining compensation under this subpart are subject to criminal prosecutions pursuant to the provisions of 22 U.S.C. 1980 (g), which provides penalties, upon conviction, of a fine of not more than $25,000, or imprisonment for not more than one year, or both.

[FR Doc. 79-4654 Filed 2-9-79; 8:45 am]

[6560-01-M]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 81]

[FRL; 1026-5]

NATIONAL VISIBILITY GOAL FOR FEDERAL CLASS I AREAS

Identification of Mandatory Class I Federal Areas Where Visibility Is an Important Value

AGENCY: U.S. Environmental Protection Agency.

ACTION: Proposed action.

SUMMARY: Section 169A(a)(2) of the Clean Air Act requires EPA to promulgate, after consultation with the Secretary of the Interior, a list of mandatory Class I Federal areas where visibility is an important value. On February 24, 1978, the Secretary of the Interior published a list of such areas. 43 FR 7721. EPA is proposing to promulgate that list without change in order to meet the requirement of Section 169A(a)(2). This notice contains the list and a description of the process and criteria used by the Secretary of the Interior in the identification process.

DATES: Written public comments must be received no later than March 14, 1979.

ADDRESS: All comments should be sent to: Environmental Protection Agency, Control Programs Development Division (MD-15), Research Triangle Park, North Carolina 27711, Attn: Mr. Darryl D. Tyler. Comments received on this proposal will be available for public inspection and copying at the Public Information Reference Unit (EPA Library), Room 2922, 401 M Street, S.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Darryl D. Tyler, Chief, Standards Implementation Branch, Control Programs Development Division, Office of Air Quality Planning and Standards, Environmental Protection Agency (MD-15), Research Triangle Park, North Carolina 27711. Phone: (919) 541-5425.

SUPPLEMENTARY INFORMATION:

BACKGROUND

The Clean Air Act Amendments of 1977 added Section 169A to the Clean Air Act. In this section, Congress established, as a national goal, "the prevention of any future, and the remedying of any existing, impairment of visibility in mandatory [C]lass I Federal areas which impairment results from manmade air pollution." Section 162(a) of the Act classifies as mandatory Class I areas all international parks, all national wilderness areas which exceed 5,000 acres in size, all national memorial parks which exceed 5,000 acres in size, and all national parks which exceed 6,000 acres in size. This mandatory designation applies only to areas which were in existence on the date of enactment of the 1977 amendments. These areas may not be redesignated.

The Act requires the following of the Federal Government:

(1) The Department of the Interior, in consultation with other Federal land managers, must review all mandatory Class I Federal areas and identify by February, 1978, those areas where visibility is an important value. By August, 1978, the EPA Administrator, after consulting with Interior, must promulgate a list of mandatory Class I Federal areas in which he determines visibility is an important value.

(2) By February, 1979, EPA must prepare a report to Congress on methods for implementing the national visibility goal. "Such report shall include recommendations for—

"(A) Methods for identifying, characterizing, determining, quantifying, and measuring visibility impairment in Federal areas . . . , and

"(B) Modeling techniques (or other methods) for determining the extent to which manmade air pollution may reasonably be anticipated to cause or contribute to such impairment, and

"(C) Methods for preventing and remedying such manmade air pollution and resulting visibility impairment.

Such report shall also identify the classes or categories of sources and the types of air pollutants which, alone or in conjunction with other sources or pollutants may, reasonably be anticipated to cause or contribute significantly to impairment of visibility." Section 169A(a)(3).

(3) By August, 1979, EPA must promulgate regulations which will (a) provide guidelines to the States for identifying, evaluating, and assessing, and preventing and remedying manmade visibility impairment in State Implementation Plans (SIPs) where needed, and (b) require SIPs for affected States to include emission limits, schedules for compliance, and other measures as may be necessary to make reasonable progress toward meeting the national visibility goal.

These regulations must require major sources in operation 15 years or less on August 7, 1977, which emit any air pollutant which may reasonably be anticipated to impair visibility in the identified Federal mandatory Class I areas to procure, install, and operate the best available retrofit technology (BART) no later than five years after SIP approval. The regulations must also require the SIP to include a long-term (10-15 years) strategy for making reasonable progress toward meeting the national visibility goal.

Examination of the legislative history of the visibility provision indicates that Congress was concerned about evidence submitted by environmental groups, such as the National Parks and Conservation Association, indicating "there is evidence that some areas that in the past had 100-mile visibility, now have only an average of 30-mile visibility. Much of this can probably be attributed to emissions from powerplants, such as the Navaho and Four Corners plants." H. Rept. No. 95-294, at 204 (1977). In addition to the recognized threat of power plants to long-range visibility in the western United States, Congress also was concerned about a report that the hazes found in high vegetation areas of the Southeast "are not dominated by natural organic compounds, but by sulfate aerosol particles probably from the oxidation of SO_2 emitted from regionally distributed sources." *Id.* The Conference Report states that "[a] major concern which prompted the House to adopt a visibility protection provision was the need to remedy existing pollution in Federal mandatory Class I areas from existing sources." H. Rept. No. 95-564, at 155 (1977).

Congress noted that the current national ambient air quality standards were not adequate to protect visibility in Federal mandatory Class I areas. Congress also recognized that it would be inequitable and impractical for a national ambient air quality standard to require the same standard of visibility protection in cities such as New York or Los Angeles as should be required in areas such as the Grand Canyon or Yellowstone National Park. H. Rept. No. 95-294, at 205. In requiring an analysis of the visibility values in various Class I regions before determining whether visibility protection would be necessary, Congress recognized that it would be unreasonable to have uniform visibility even in all national parks or other Class I areas.

While it seems reasonable that visibility is probably an important value in almost every Federal mandatory Class I area, it does not follow that the definition of visibility objectives or what constitutes visibility impairment

would be the same for all Federal mandatory Class I areas. Clearly, the visual values which must be protected in the Grand Canyon National Park are different in quantity and quality from those in, for example, the Great Smokies or Mammoth Cave National Park.

In carrying out the provisions of Section 169A, including the requirement to promulgate regulations to assure progress toward meeting the national visibility goal, the Administrator will solicit wide and extensive public participation. EPA recognizes the importance of developing more detailed information for determining the impact a major stationary source may have on the visibility of a Federal mandatory Class I area. EPA also recognizes the need for the development of criteria for determining the "significance" of visibility impairment related to the specific visibility objectives of each area, as well as the need to define existing visibility values in each Class I area. To develop more definitive visibility regulations, EPA has requested the Department of the Interior and the Forest Service to conduct an analysis which identifies area specific visibility values. This analysis would address the range of scenic vistas, the nature of visual values, and an estimation of the degree of existing natural and manmade visibility impairment. The future proposal of visibility regulations will address these issues and seek public comments on them at that time.

In today's FEDERAL REGISTER, EPA is proposing a list of the mandatory Federal Class I areas where visibility is an important value. Although the Administrator has determined that this list is not a regulation under Sections 307(d)(1)(I) and 317, he is treating promulgation of it as an action under Section 307(d)(1)(N). Several reasons support this determination.

As to the Section 307(d)(1)(I) inclusion, the visibility section, 169A, distinguishes the "regulations" due in August, 1979, from the "list" of areas that the Administrator is required to promulgate. It therefore is more appropriate to characterize this list as an "action" under Section 307(d)(1)(N), than as a "regulation" under 307(d)(1)(I).

As to Section 317, even assuming that the list may be termed a visibility "regulation," Section 317 does not appear to apply. Section 317 (a)(4) speaks of regulations under part C of title I relating to prevention of significant deterioration (PSD) of air quality. Where Congress intended to include the visibility provisions in part C, however, it said so directly. For example, Sections 307(d)(1)(I) also speaks of regulations under part C of title I relating to PSD, but adds: "and protection of visibility."

Moreover, even if Section 317 were thought to be applicable, compliance at this stage with Section 317 would be impracticable. Section 317 requires an economic assessment of the regulations' compliance costs and potential inflationary or recessionary effects, its impact on energy use, and its effects on competition with respect to small business. Obviously, only speculation on these effects is possible at this stage in the development of the Section 169A regulations since no requirement yet exists to assess.

IDENTIFICATION OF MANDATORY CLASS I FEDERAL AREAS WHERE VISIBILITY IS AN IMPORTANT VALUE

The Secretary of the Interior assigned responsibility for the visibility area identification study to the Assistant Secretary for Fish and Wildlife and Parks. The National Park Service was assigned the responsibility for leading a task force including representatives from the USDA Forest Service and the U.S. Fish and Wildlife Service. The Bureau of Land Management provided assistance to the task force. EPA was a consulting member of the task force from its initial stages. The task force identified relevant criteria and applied them to make a preliminary identification that 153 of the 158 mandatory Class I Federal areas possessed visibility as an important value.

The process by which the criteria was applied to each Federal mandatory Class I area involved (1) the participation of the individual park superintendents and forest supervisors who surveyed each area, and (2) a review of the park superintendents' and forest rangers' recommendations by the regional staffs responsible for the Class I areas in their region, and by the Washington, D.C. staff who consulted with the regional staffs. Through this consultation process, each of the 158 mandadory Class I Federal areas was evaluated and tested against the criteria. Notice of the preliminary findings of the task force, an announcement about related public hearings, and an invitation for public comment appeared in the FEDERAL REGISTER on October 14, 1977 (42 FR 55280).

Reassessment of the legislative history of Section 169A and the Department's preliminary findings, together with consideration of the public comment received, produced one change in the criteria used to identify whether visibility is an important value. The Character of the Scenic Values (Step 3) was changed so that only those areas which possess no sweeping view of backgroung features, panoramas, or views of middleground or background features would fail be be identified to possess visibility as an important value in this step. Under the preliminary criteria, an area was identified as not possessing visibility as an important value if views were primarily, or mostly, of foreground features less than one mile distant, although one or more background or middleground view or panorama was present. The one-mile cutoff is used because it is the shortest distance at which a broad perception of an area is possible, i.e., it allows an individual to observe overall patterns, shapes, and textures of the area. The one-mile cutoff is consistent with definitions of foreground, middleground, and background presented in the USDA, Forest Service Landscape Management Book, Volume I.

The application of the revised criteria identified three areas which possess visibility as an important value in addition to the 153 areas so identified in the preliminary findings. The three additional areas are: Mammoth Cave National park, Kentucky; Moosehorn Wilderness, Maine; and Medicine Lake Wilderness, Montana.

The final analysis report sheet which sets forth the revised criteria used in the final identification by the Secretary of the Interior is found in Appendix 2 to the "Final Identification of Mandatory Class I Federal Areas where Visibility is an Important Value." 43 FR 7721. Workbooks for each of the 158 mandatory Class I Federal areas, containing the final analysis report, were reviewed by EPA and are available for inspection at the office of the National Park Service, Room 1210, Interior Building, 18th and C Streets, N.W., Washington, D.C. 20240, as well as the Environmental Protection Agency, Central Docket Section, Room 2903-B, Waterside Mall, 401 M Street, S.W., Washington, D.C.

IDENTIFICATION CRITERIA

In the final identification, the following revised criteria were applied to each mandatory Class I Federal area to identify whether visibility is an important value:

"1. Does the legislation for the area indicate that scenic value was an important consideration for establishing the area? or,

Is the area possessed of scenic values that are important to public enjoyment?

2. Are any sweeping views of background features, panoramas, or views of middleground or background features present, as opposed to only views of foreground features less than one-mile distant, e.g., streamside, trailside?

3. Do natural sources of visibility impairment seriously affect the ability of the public to appreciate visibility as an important value?

4. For those areas in which natural sources of visibility imparirment seriously affect public appreciation of scenic values, is the magnitude of the scenic value sufficient to warrant protection from man-caused sources?" 43 FR 7721, 7722 (February 24, 1978).

FINAL IDENTIFICATION

The Secretary of the Interior identified the mandatory Class I Federal areas where visibility is an important value and, on February 8, 1978, forwarded the findings to the Administrator of EPA. These findings were published in the FEDERAL REGISTER, without change, on February 24, 1978 (43 FR 7721). Of the 158 mandatory Class I Federal areas, 156 were identified in the final analysis as possessing visibility as an important value. The negative identifications were two national wilderness areas—Bradwell Bay, Florida; and Rainbow Lake, Wisconsin.

EPA REVIEW

From the earliest stages of development, EPA followed the Department of the Interior's progress in developing and applying the criteria by which the list of Class I visibility protection areas was produced. In addition, EPA reviewed the criteria and the public reactions at the public meetings held around the country. Finally, the workbooks were reviewed with particular attention to the application of the criteria to each Federal mandatory Class I area and taking into consideration the extensive public comment. It is the Administrator's judgment that the Secretary of the Interior has submitted a thorough, logically developed and well documented rationale for the list of areas in which visibility is an important value. There are no other relevant criteria and the application of the criteria to each of the Class I areas could not have been improved. The open participatory process by which the list was developed and the resulting determinations carry through the intent of Congress conscientiously. For these reasons, the Administrator proposes to promulgate the list exactly as submitted to him by the Secretary of the Interior, and seeks comment on this proposed action.

REQUEST FOR COMMENTS AND PUBLIC PARTICIPATION

The action proposed in today's FEDERAL REGISTER provides an opportunity for additional public comment on the 156 Federal Mandatory Class I areas identified by the Secretary of Interior as possessing visibility as an important value. The Administrator intends to promulgate the list of 156 areas submitted to EPA by the Secretary of the Interior unless compelling objections to the identifications are raised during this comment period. There already has been broad public participation since the Secretary of the Interior's October 14, 1977, FEDERAL REGISTER notice (42 FR 55280). Nationwide public meetings were held in Portland, Oregon; San Francisco, California; Lakewood, Colorado; Minneapolis, Minnesota; Atlanta, Georgia; and Washington, D.C., from November 9, 1977, through November 16, 1977. There has been a thorough review and analysis of 157 written public comments, including comments from individuals, State and Federal officials, 17 businesses, and more than 30 organizations. A final notice was published by the Secretary of the Interior in the February 24, 1978 FEDERAL REGISTER (43 FR 7721).

Interested parties are encouraged to participate in this proposed action by submitting written comments. Comments are invited on the process and criteria used to identify the Federal mandatory Class I areas where visibility is an important value, as well as the application of the criteria to each area. All comments received no later than March 14, 1979.

Since EPA is treating promulgation of the list as an action under Section 307(d)(1)(N) of the Act, it has established a rulemaking docket. The docket number is OAQPS 79-9. The docket is located at the Evironmental Protection Agency, Public Information Reference Unit (EPA Library), Room 2922, 401 M St., S.W., Washington, D.C. 20460. It will be open to public inspection during normal business hours.

It should be noted that EPA would consider no substantive issue relating to this list to be ripe for judicial review until EPA promulgates the regulations required under Section 169A(a)(4) since the effect of the identifications will remain largely uncertain until then.

(Sections 101(b)(1), 110, 169A(a)(2), and 301(a) of the Clean Air Act as amended (42 USC 7401(b), 7410, 7491(a)(2), 7601(a)).

Dated February 2, 1979.

BARBARA BLUM,
Acting Administrator.

It is proposed to amend Part 81 of Chapter I, Title 40 of the Code of Federal Regulations by adding Subpart D as follows:

Subpart D—Identification of Mandatory Class I Federal Areas Where Visibility Is an Important Value

Sec.
81.400 Scope.
81.401 Alabama.
81.402 Alaska.
81.403 Arizona.
81.404 Arkansas.
81.405 California.
81.406 Colorado.
81.407 Florida.
81.408 Georgia.
81.409 Hawaii.
81.410 Idaho.
81.411 Kentucky.
81.412 Louisiana.
81.413 Maine.
81.414 Michigan.
81.415 Minnesota.
81.416 Missouri.
81.417 Montana.
81.418 Nevada.
81.419 New Hampshire.
81.420 New Jersey.
81.421 New Mexico.
81.422 North Carolina.
81.423 North Dakota.
81.424 Oklahoma.
81.425 Oregon.
81.426 South Carloina.
81.427 South Dakota.
81.428 Tennessee.
81.429 Tasas.
81.430 Utah.
81.431 Vermont.
81.432 Virgin Islands.
81.433 Virginia.
81.434 Washington.
81.435 West Virginia.
81.436 Wyoming.
81.437 New Brunswick, Canada.

Subpart D—Identification of Mandatory Class I Federal Areas Where Visibility Is an Important Value

§ 81.400 Scope.

Subpart D, Section 81.401 through 81.436 list those mandatory Federal Class I areas, established under the Clean Air Act Amendments of 1977, where the Administrator, in consultation with the Secretary of the Interior, has determined visibility to be an important value.

The following listing of areas where visibility is an important value represents an evaluation of all international parks (IP), national wilderness areas (Wild) exceeding 5,000 acres, national memorial parks (NMP) exceeding 5,000 acres, and national parks (NP) exceeding 6,000 acres, in existence on August 7, 1977. Consultation by EPA with the Federal Land Managers involved: the Department of Interior (USDI), National Park Service (NPS), and Fish and Wild Life Service (FWS); and the Department of Agriculture (USDA), Forest Service (FS).

§ 81.401 Alabama.

Area name	Acreage	Public Law establishing	Federal land manager
Sipsey Wild	12,646	93-622	USDA-FS

§ 81.402 Alaska.

Area name	Acreage	Public Law establishing	Federal land manager
Bering Sea Wild	41,113	91-622	USDI-FWS
Mount McKinley NP	1,949,493	64-353	USDI-NPS
Simeonof Wild	25,141	94-557	USDI-FWS
Turedni Wild	6,402	91-504	USDI-FWS

§ 81.403 Arizona.

Area name	Acreage	Public Law establishing	Federal land manager
Chiricahua National Monument Wild	9,440	94-567	USDI-NPS
Chiricahua Wild	18,000	88-577	USDA-FS
Galiuro Wild	52,717	88-577	USDA-FS
Grand Canyon NP	1,176,913	65-277	USDI-NPS
Mazatzal Wild	205,137	88-577	USDA-FS
Mount Baldy Wild	6,975	91-504	USDA-FS
Petrified Forest NP	93,493	85-358	USDI-NPS
Pine Mountain Wild	20,061	92-230	USDA-FS
Saguaro Wild	71,400	94-567	USDI-NPS
Sierra Ancha Wild	20,850	88-577	USDA-FS
Superstition Wild	124,117	88-577	USDA-FS
Sycamore Canyon Wild	47,757	92-241	USDA-FS

§ 81.404 Arkansas.

Area name	Acreage	Public Law establishing	Federal land manager
Caney Creek Wild	14,344	93-622	USDA-FS
Upper Buffalo Wild	9,912	93-622	USDA-FS

§ 81.405 California.

Area name	Acreage	Public Law establishing	Federal land manager
Agua Tibia Wild	15,934	93-632	USDA-FS
Caribou Wild	19,080	88-577	USDA-FS
Cucamonga Wild	9,022	88-577	USDA-FS
Desolation Wild	63,469	91-82	USDA-FS
Dome Land Wild	62,206	88-577	USDA-FS
Emigrant Wild	104,311	93-632	USDA-FS
Hoover Wild	47,916	88-577	USDA-FS
John Muir Wild	484,673	88-577	USDA-FS
Joshua Tree Wild	429,690	94-567	USDI-NPS
Kaiser Wild	22,500	94-577	USDA-FS
Kings Canyon NP	459,994	76-424	USDI-NPS
Lassen Volcanic NP	105,800	64-184	USDI-NPS
Lava Beds Wild	28,640	92-493	USDI-NPS
Marble Mountain Wild	213,743	88-577	USDA-FS
Mokelumne Wild	50,400	88-577	USDA-FS
Pinnacles Wild	12,952	94-567	USDI-NPS
Point Reyes Wild	25,370	94-544, 94-567	USDI-NPS
Redwood NP	27,792	90-545	USDI-NSP
San Gabriel Wild	36,137	90-318	USDA-FS
San Gorgonio Wild	34,644	88-577	USDA-FS
San Jacinto Wild	20,564	88-577	USDA-FS
San Rafael Wild	142,722	90-271	USDA-FS
Sequoia NP	386,642	26 Stat. 478 (51st Cong.).	USDI-NPS
South Warner Wild	68,507	88-577	USDA-FS
Thousand Lakes Wild	15,695	88-577	USDA-FS
Ventana Wild	95,152	91-58	USDA-FS
Yolla-Bolly-Middle-Eel Wild	109,091	88-577	USDA-FS
Yosemite NP	759,172	58-49	USDI-NPS

§ 81.406 Colorado.

Area name	Acreage	Public Law establishing	Federal land manager
Black Canyon of the Gunnison Wild	11,180	94-567	USDI-NPS
Eagles Nest Wild	133,910	94-352	USDA-FS
Flat Tops Wild	235,230	94-146	USDA-FS
Great Sand Dunes Wild	33,450	94-567	USDI-NPS
La Garita Wild	48,486	88-577	USDA-FS
Maroon Bells-Snowmass Wild	71,060	88-577	USDA-FS
Mesa Verde NP	51,488	59-353	USDI-NPS
Mount Zirkel Wild	72,472	88-577	USDA-FS
Rawah Wild	26,674	88-577	USDA-FS
Rocky Mountain NP	263,138	63-238	USDI-NPS
Weminuche Wild	400,907	93-632	USDA-FS
West Elk Wild	61,412	88-577	USDA-FS

§ 81.407 Florida.

Area name	Acreage	Public Law establishing	Federal land manager
Chassahowitzka Wild	23,360	94-557	USDI-FWS
Everglades NP	1,397,429	73-267	USDI-NPS
St. Marks Wild	17,745	93-632	USDI-FWS

§ 81.408 Georgia.

Area name	Acreage	Public Law establishing	Federal land manager
Cohotta Wild	33,776	93-622	USDA-FS
Okefenokee Wild	343,850	93-429	USDI-FWS
Wolf Island Wild	5,126	93-632	USDI-FWS

§ 81.409 Hawaii.

Area name	Acreage	Public Law establishing	Federal land manager
Halekala NP	27,208	87-744	USDI-NPS
Hawaii Volcanoes	217,029	64-171	USDI-NPS

§ 81.410 Idaho.

Area name	Acreage	Public Law establishing	Federal land manager
Craters of the Moon Wild	43,243	91-504	USDI-NPS
Hells Canyon Wild [a]	83,800	94-199	USDA-FS
Sawtooth Wild	216,383	92-400	USDA-FS
Selway-Bitterroot Wild [b]	988,770	88-577	USDA-FS
Yellowstone NP [c]	31,488	17 Stat. 32 (42nd Cong.).	USDI-NPS

[a] Hells Canyon Wilderness, 192,700 acres overall, of which 108,900 acres are in Oregon and 83,800 acres are in Idaho.

[b] Selway Bitterroot Wilderness, 1,232,310 acres overall, of which 983,417 acres are in Idaho and 248,893 acres are in Montana.

[c] Yellowstone National Park, 2,219,737 acres overall, of which 2,020,625 acres are in Wyoming, 167,624 acres are in Montana, and 31,488 acres are in Idaho.

§ 81.411 Kentucky.

Area name	Acreage	Public Law establishing	Federal land manager
Mammoth Cave NP	51,303	69-283	USDI-NPS

§ 81.412 Louisiana.

Area Name	Acreage	Public Law establishing	Federal land manager
Breton Wild	5,000+	93-632	USDI-FWS

§ 81.413 Maine.

Area Name	Acreage	Public Law establishing	Federal land manager
Acadia NP	37,503	65-278	USDI-NPS
Moosehorn Wild	7,501		USDI-FWS
(Edmunds Unit)	(2,782)	91-504	
(Baring Unit)	(4,719)	93-632	

§ 81.414 Michigan.

Area Name	Acreage	Public Law establishing	Federal land manager
Isle Royale NP	542,428	71-835	USDI-NPS
Seney Wild	25,150	91-504	USDI-FWS

§ 81.415 Minnesota.

Area Name	Acreage	Public Law establishing	Federal land manager
Boundary Waters Canoe Area Wild	747,840	99-577	USDA-FS
Voyageurs NP	114,964	99-261	USDI-NPS

§ 81.415 Missouri.

Area name	Acreage	Public Law establishing	Federal land manager
Hercules-Glades Wild	12,315	94-557	USDA-FS
Mingo Wild	8,000	94-557	USDI-FWS

§ 81.417 Montana.

Area name	Acreage	Public Law establishing	Federal land manager
Anaconda-Pintlar Wild	157,803	88-577	USDA-FS
Bob Marshall Wild	950,000	88-577	USDA-FS
Cabinet Mountains Wild	94,272	88-577	USDA-FS
Gates of the Mtn Wild	28,562	88-577	USDA-FS
Glacier NP	1,012,599	61-171	USDI-NPS
Medicine Lake Wild	11,366	94-557	USDI-FWS
Mission Mountain Wild	73,877	93-632	USDA-FS
Red Rock Lakes Wild	32,350	94-557	USDI-FWS
Scapegoat Wild	239,295	92-395	USDA-FS
Selway-Bitterroot Wild [a]	251,930	88-577	USDA-FS
U.L. Bend Wild	20,890	94-557	USDI-FWS
Yellowstone NP [b]	167,624	17 Stat. 32 (42nd Cong.).	USDI-NPS

[a]Selway-Bitterroot Wilderness, 1,232,310 acres overall, of which 983,417 acres are in Idaho and 248,893 acres are in Montana.

[b]Yellowstone National Park, 2,219,737 acres overall, of which 2,020,625 acres are in Wyoming, 167,624 acres are in Montana, and 31,488 acres are in Idaho.

§ 81.418 Nevada.

Area name	Acreage	Public Law establishing	Federal land manager
Jarbidge Wild	64,667	88-577	USDA-FS

§ 81.419 New Hampshire.

Area name	Acreage	Public Law establishing	Federal land manager
Great Gulf Wild	5,552	88-577	USDA-FS
Presidential Range-Dry River Wild	20,000	93-622	USDA-FS

§ 81.420 New Jersey.

Area name	Acreage	Public Law establishing	Federal land manager
Brigantine Wild	6,603	93-632	USDI-FWS

§ 81.421 New Mexico.

Area name	Acreage	Public Law establishing	Federal land manager
Bandelier Wild	23,267	94-567	USDI-NPS
Bosque del Apache Wild	80,850	93-632	USDI-FWS
Carlsbad Caverns NP	46,435	71-216	USDI-NPS
Gila Wild	433,690	88-577	USDA-FS
Pecos Wild	167,416	88-577	USDA-FS
Salt Creek Wild	8,500	91-504	USDI-FWS
San Pedro Parks Wild	41,132	88-577	USDA-FS
Wheeler Peak Wild	6,027	88-577	USDA-FS
White Mountain Wild	31,171	88-577	USDA-FS

§ 81.422 North Carolina.

Area name	Acreage	Public Law establishing	Federal land manager
Great Smoky Mountains NP [a]	273,551	69-268	USDI-NPS
Joyce Kilmer-Slickrock Wild [b]	10,201	93-622	USDA-FS
Linville Gorge Wild	7,575	88-577	USDA-FS
Shining Rock Wild	13,350	88-577	USDA-FS
Swanguarter Wild	9,000	94-557	USDI-FWS

[a] Great Smoky Mountains National Park, 514,758 acres overall, of which 273,551 acres are in North Carolina, and 241,207 acres are in Tennessee.

[b] Joyce Kilmer-Slickrock Wilderness, 14,033 acres overall, of which 10,201 acres are in North Carolina, and 3,832 acres are in Tennessee.

§ 81.423 North Dakota.

Area name	Acreage	Public Law establishing	Federal land manager
Lostwood Wild	5,557	93-632	USDI-FWS
Theodore Roosevelt, NMP	69,675	80-38	USDI-NPS

§ 81.424 Oklahoma.

Area name	Acreage	Public Law establishing	Federal land manager
Wichita Mountains Wild	8,900	91-504	USDI-FWS

§ 81.425 Oregon.

Area name	Acreage	Public Law establishing	Federal land manager
Crater Lake NP	160,290	57-121	USDI-NPS
Diamond Peak Wild	36,637	88-577	USDA-FS
Eagle Cap Wild	293,476	88-577	USDA-FS
Gearhart Mountain Wild	18,709	88-577	USDA-FS
Hells Canyon Wild [a]	108,900	94-199	USDA-FS
Kalmiopsis Wild	76,900	88-577	USDA-FS
Mountain Lakes Wild	23,071	88-577	USDA-FS
Mount Hood Wild	14,160	88-577	USDA-FS
Mount Jefferson Wild	100,208	90-548	USDA-FS
Mount Washington Wild	46,116	88-577	USDA-FS
Strawberry Mountain Wild	33,003	88-577	USDA-FS
Three Sisters Wild	199,902	88-577	USDA-FS

[a] Hells Canyon Wilderness, 192,700 acres overall, of which 108,900 acres are in Oregon, and 83,800 acres are in Idaho.

§ 81.426 South Carolina.

Area name	Acreage	Public Law establishing	Federal land manager
Cape Romain Wild	28,000	93-632	USDI-FWS

§ 81.427 South Dakota.

Area name	Acreage	Public Law establishing	Federal land manager
Badlands Wild	64,250	94-567	USDI-NPS
Wild Cave NP	28,060	57-16	USDI-NPS

§ 81.428 Tennessee.

Area name	Acreage	Public Law establishing	Federal land manager
Great Smoky Mountains NP [a]	241,207	69-268	USDI-NPS
Joyce Kilmer-Slickrock Wild [b]	3,832	93-622	USDA-FS

[a] Great Smoky Mountains National Park, 514,758 acres overall, of which 273,551 acres are in North Carolina, and 241,207 acres are in Tennessee.

[b] Joyce Kilmer-Slickrock Wilderness, 14,033 acres overall, of which 10,201 acres are in North Carolina, and 3,832 acres are in Tennessee.

§ 81.429 Texas.

Area name	Acreage	Public Law establishing	Federal land manager
Big Bend NP	708,118	74-157	USDI-NPS
Guadalupe Mountains NP	76,292	89-667	USDI-NPS

§ 81.430 Utah.

Area name	Acreage	Public Law establishing	Federal land manager
Arches NP	65,098	92-155	USDI-NPS
Bryce Canyon NP	35,832	68-277	USDI-NPS
Canyonlands NP	337,570	88-590	USDI-NPS
Capitol Reef NP	221,896	92-507	USDI-NPS
Zion NP	142,462	68-83	USDI-NPS

§ 81.431 Vermont.

Area name	Acreage	Public Law establishing	Federal land manager
Lyle Brook Wild	12,430	93-622	USDA-FS

§ 81.432 Virgin Islands.

Area name	Acreage	Public Law establishing	Federal land manager
Virgin Islands NP	12,295	84-925	USDI-NPS

§ 81.433 Virginia.

Area name	Acreage	Public law establishing	Federal land manager
James River Face Wild	8,703	93-622	USDA-FS
Shenandoah NP	190,535	69-268	USDI-NPS

§ 81.434 Washington.

Area name	Acreage	Public Law establishing	Federal land manager
Alpine Lakes Wild	303,508	94-357	USDA-FS
Glacier Peak Wild	464,258	88-577	USDA-FS
Goat Rocks Wild	82,680	88-577	USDA-FS
Mount Adams Wild	32,356	88-577	USDA-FS
Mount Rainier NP	235,239	30 Stat. 993 (55th Cong.).	USDI-NPS
North Cascades NP	503,277	90-554	USDI-NPS
Olympic NP	892,578	75-778	USDI-NPS
Pasayten Wild	505,524	90-544	USDA-FS

§ 81.435 West Virginia.

Area name	Acreage	Public Law establishing	Federal land manager
Dolly Sods Wild	10,215	93-622	USDA-FS
Otter Creek Wild	20,000	93-622	USDA-FS

§ 81.436 Wyoming.

Area name	Acreage	Public Law establishing	Federal land manager
Bridger Wild	392,160	88-577	USDA-FS
Fitzpatrick Wild	191,103	94-567	USDA-FS
Grand Teton NP	305,504	81-787	USDI-NPS
North Absaroka Wild	351,104	88-577	USDA-FS
Teton Wild	557,311	88-577	USDA-FS
Washakie Wild	686,584	92-476	USDA-FS
Yellowstone NP *	2,020,625	17 Stat. 32 (42nd. Cong.).	USDI-NPS

* Yellowstone National Park, 2,219,737 acres overall, of which 2,020,625 acres are in Wyoming, 167, 624 acres are in Montana, and 31,488 acres are in Idaho.

§ 81.437 New Brunswick, Canada.

Area name	Acreage	Public Law establishing	Federal land manager
Roosevelt Campobello International Park.	2,721	88-363	Not applicable

[FR Doc. 79-4558 Filed 2-9-79; 8:45 am]

[1505-01-M]

[40 CFR Part 250]

[FRL 1014-5]

HAZARDOUS WASTE GUIDELINES AND REGULATIONS

Proposed Rules; Correction

In FR Doc 78-34903, appearing at page 58946 in the issue for Monday, December 18, 1978, make the following changes:

1. The equation in § 250.45-1 (d)(2) should read as follows:

$$CE = \frac{C_{CO_2}}{C_{CO_2} + C_{CO}} \times 100$$

Where:

CE = combustion efficiency

C_{CO_2} = concentration of CO_2 in exhaust gas

C_{CO} = concentration of CO in exhaust gas

2. In the 5th line of § 250.45-1 (d) (3), a comma should be inserted after "flame".

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[3410-02-M]

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

OFFICIAL AGENCY DESIGNATION

Official Designations of Nine State Departments of Agriculture and Proposals of Geographic Areas

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: This notice announces the designation of the Connecticut, Georgia, Montana, Maine, Oregon, North Carolina, Louisiana, Wyoming, and Missouri Departments of Agriculture as official agencies to perform grain inspection services under the authority of the United States Grain Standards Act, as amended. This notice also proposes geographic areas within which each State agency will operate.

DATE: Comments by March 29, 1979.

FOR FURTHER INFORMATION CONTACT:

Edith A. Christensen, Federal Grain Inspection Service, Compliance Division, Delegation and Designation Branch, 1400 Independence Ave., SW., Room 2405, Auditors Building, Washington, D.C. 20250, (202) 447-8525.

SUPPLEMENTARY INFORMATION: The United States Grain Standards Act, as amended (7 U.S.C. 71 et seq., hereinafter the "Act"), has been amended to extensively modify the official grain inspection system. Pursuant to Sections 7 and 7A of the Act (7 U.S.C. 79 and 79a), the Administrator of the Federal grain Inspection Service (FGIS) has the authority to designate any State or local governmental agency, or any person, as an official agency for the conduct of all or specified functions involved in official inspection (other than appeal inspection), weighing, and supervision of weighing of grain at locations where the Administrator determines there is a need for such services. Such a designation shall terminate triennially (7 U.S.C. 79(g)(1) and 79a(c)).

The Connecticut, Georgia, Montana, Maine, Oregon, North Carolina, Louisiana, Wyoming, and Missouri Departments of Agriculture, all existing official agencies, made application to be officially designated under the Act, as amended, to perform official inspection functions, not including official weighing.

This is to announce that the FGIS has conducted the required investigations of the nine State departments of agriculture which included onsite reviews of their inspection points (specified service points). All nine State agencies were deemed eligibile for designation to perform official inspection functions (other than appeal inspection), not including official weighing. Documents designating the nine States were signed as follows: Connecticut Department of Agriculture, September 30; Georgia Department of Agriculture, October 20; Montana Department of Agriculture, October 25; Maine Department of Agriculture, October 31; Oregon Department of Agriculture, November 5; North Carolina Department of Agriculture, November 10; Louisiana Department of Agriculture, November 16; Wyoming Department of Agriculture, November 20; and Missouri Department of Agriculture, November 20; all in 1978.

NOTE.—Section 7(f)(2) of the Act (7 U.S.C. 79(f)(2)) generally provides that not more than one official agency shall be operative at one time for any geographic area as determined by the Administrator.

Said designations also included interim assignments of geographic areas within which the official State agencies shall officially inspect grain. These geographic areas assigned on an interim basis pending final determination in this matter are: In Connecticut, the entire State; in Georgia, the entire State; in Montana, the entire State; in Maine, the entire State; in Oregon, the entire state except those export port locations within the State; in North Carolina, the entire State; in Louisiana, the entire State except those export port locations within the State; in Wyoming, the entire State, excluding Goshen and Platte Counties to be serviced by the Denver Grain Exchange Association, Inc., and Albin, Burns, Carpenter, Egbert, and Pine Bluffs, which are service locations within the State of Wyoming to be serviced by the Denver Grain Exchange Association, Inc.; and in Missouri, the entire State.

The specified service points of these agencies are:

Connecticut: Connecticut Department of Agriculture, 10 Apel Place, Manchester, Connecticut 06040;

Georgia: Georgia Department of Agriculture, Room 604, Capitol Square, Atlanta, Georgia 30334; Georgia Department of Agriculture, State Highway 118, General Delivery, Bronwood, Georgia 31726; Georgia Department of Agriculture, Emanuel County Office Building, Swainsboro, Georgia 30401; Georgia Department of Agriculture, 1500 South Patterson Street, Valdosta, Georgia 31601; Georgia Department of Agriculture, Old Hospital Road, P.O. Box 1931, Westside Branch, Gainsville, Georgia 30501, all located within Georgia's proposed geographic area;

Montana: Montana Department of Agriculture, 821 17th Street North, Box 1397, Great Falls, Montana 59401;

Maine: Maine Department of Agriculture, Cony Road, Augusta, Maine 04330;

Oregon: Oregon Department of Agriculture, 700 S.E. Emigrant Street, P.O. Box 594, Pendleton, Oregon 97801;

North Carolina: North Carolina Department of Agriculture, Off Old Highway 421, Bonlee, North Carolina 27213; North Carolina Department of Agriculture, Route 1, Fayetteville, North Carolina 28301; North Carolina Department of Agriculture, 1304 Broad Street, Greenville, North Carolina 27834; North Carolina Department of Agriculture, North Carolina Department of Agriculture Building, Halifax and Edenton Streets, Raleigh, North Carolina 27611, all located within North Carolina's proposed geographic area;

Louisiana: Louisiana Department of Agriculture, Corner of Sylvester and Lee, Alexandria, Louisiana 71301; Louisiana Department of Agriculture, Highway 13 South, Eunice, Louisiana 70535; Louisiana Department of Agiculture, Highway 190 West, Kinder, Louisiana 70648; Louisiana Department of Agriculture, Highway 65, Lake Providence, Louisiana 71254; Louisiana Department of Agriculture, West Highway 90, Mermentau, Louisiana 70556, all located within Louisiana's proposed geographic area;

Wyoming: Wyoming Department of Agriculture, 2219 Carey Avenue, Cheyenne, Wyoming 82001; and

Missouri: Missouri Department of Agriculture, 4800 Main Street G-29, Kansas City, Missouri 64112; Missouri Department of Agriculture, 104 East Promenade Street, Mexico, Missouri 65265; Missouri Department of Agriculture, 209 Corby Building Annex, Fifth and Felix, St. Joseph, Missouri 64501; Missouri Department of Agriculture, 102 Merchants Exchange Building, 5100 Oakland Avenue, St. Louis, Missouri 63110, all located within Missiouri's proposed geographic area. A specified service point where services will be provided only on an intermittent basis as requested by the applicant is: Missouri Department of Agriculture, 435 West Malone, Sikeston, Missouri 63801.

A specified service point for the purpose of this notice is a city, town, or other location specified by an agency for the conduct of all or specified official inspection functions and where the agency or one or more of its licensed inspectors is located. A service location for the purpose of this notice is a city, town, or other location specified by an agency for the conduct of official inspection functions other than official grading where no license inspectors are located. These designation documents provide for the inclusion of additional specified service points and service locations which may be established in the future, within these nine State agencies' geographic areas.

Publication of this notice does not preclude future amendment of this designation consistent with the provisions and objectives of the Act.

Interested persons are hereby given opportunity to submit written views or comments with respect to the geographic areas proposed for assignment to these agencies. All views and comments should be submitted in writing to the Office of the Director, Compliance Division, Federal Grain Inspection Service, 1400 Independence Avenue, SW., Room 2405, Auditors Building, Washington, D.C. 20250. All materials should be mailed to Director not later than March 29, 1979. All materials submitted pursuant to this notice will be made available for public inspection at the Office of the Director during regular business hours (7 CFR 1.27(b)). Consideration will be given to the views and comments so filed with the Director and to all other information available to the U.S. Department of Agriculture before a final determination of the assignment of geographic areas is made with respect to this matter.

(Sec. 8, Pub. L. 94-582, 90 Stat. 2870 (7 U.S.C. 79); sec. 9, Pub. L. 94-582, 90 Stat. 2875 (7 U.S.C. 79a); sec. 27, Pub. L. 94-582, 90 Stat. 889 (7 U.S.C. 74 note))

Done in Washington, D.C., on January 19, 1979.

L. E. MALONE,
Acting Administrator.

[FR Doc. 79-4623 Filed 2-9-79; 8:45 am]

[3410-02-M]

OFFICIAL AGENCY DESIGNATION

Cancellation of the Fremont Grain Exchange, Inc.—Official Designation of the Fremont Grain Inspection Department, Inc., Proposal of Geographic Area

AGENCY: Federal Grain Inspection Service.

ACTION: Notice and Request for Comments.

SUMMARY: This notice announces the cancellation of designation of the Fremont Grain Exchange, Inc., Fremont, Nebraska, and the designation of the Fremont Grain Inspection Department, Inc., owned by Mr. Eldon L. Davis, as an official agency at Fremont, Nebraska, to perform grain inspection services under the U.S. Grain Standards Act, as amended, effective October 20, 1978. This notice also proposes a geographic area within which the agency will operate.

DATE: Comments by March 29, 1979.

FOR ADDITIONAL INFORMATION CONTACT:

Edith A. Christensen, Federal Grain Inspection Service, Compliance Division, 201 14th Street, S.W., Room 2405, Auditors Building, Delegation and Designation Branch, Washington, D.C. 20250, (202) 447-8525.

SUPPLEMENTARY INFORMATION: The United States Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (hereinafter the "Act"), has been amended to extensively modify the official grain inspection system. Pursuant to Sections 7 and 7A of the Act (7 U.S.C. 79 and 79a), the Administrator of the Federal Grain Inspection Service (FGIS) has the authority to designate any State or local governmental agency, or any person, as an official agency for the conduct of all or specified functions involved in official inspection (other than appeal inspection), weighing, and supervision of weighing of grain at locations where the Administrator determines there is a need for such services. Such designation shall terminate triennially (7 U.S.C. 79(g)(1) and 79a(c)).

On June 23, 1978, a notice was published in the FEDERAL REGISTER (43 FR 27218-27219) announcing that (1) the stock of the Fremont Grain Exchange, Inc. (Exchange), Fremont, Nebraska, was sold to Mr. Eldon L. Davis, the Chief Inspector thereof; (2) Mr. Eldon L. Davis applied for designation in accordance with Section 7(f)(1) of the Act (7 U.S.C. 79(f)(1)) to operate as an official agency at Fremont, Nebraska, to be known as the Fremont Grain Inspection Department, Inc.; and (3) the Fremont Grain Inspection Department, Inc., was given an interim designation as the official agency at Fremont, Nebraska.

Interested persons were given until July 24, 1978, to submit written views and comments with respect to the requested transfer of designation and/or to apply for designation to operate as an official agency at Fremont, Nebraska. No comments were received regarding the June 23, 1978, notice. No additional applications were received, other than the application from Mr. Davis.

The FGIS has conducted the required investigation of the Fremont Grain Inspection Department, Inc., which included an onsite review of the inspection point at Fremont (specified service point).

NOTE.—Section 7(f)(2) of the Act (7 U.S.C. 79(f)(2)) generally provides that not more than one official agency shall be operative at one time for any geographic area as determined by the Administrator.

As a result of this investigation and after due consideration of the request for transfer, the Fremont Grain Inspection Department, Inc., owned by Mr. Eldon L. Davis, was designated to perform official inspection functions (other than appeal inspection), not including official weighing, and the designation of the Exchange was canceled effective December 19, 1977.

A document designating the Fremont Grain Inspection Department, Inc., as an official agency was signed on October 20, 1978. Said designation also included an interim assignment of geographic area within which the official agency shall officially inspect grain. The geographic area assigned on an interim basis to the Fremont Grain Inspection Department, Inc., pending final determination in this matter is:

In Nebraska, the area shall be bounded on the North by: U.S. Route 20 from U.S. Route 81 east to the Eastern Pierce County line; the Pierce County line south; the northern Wayne County line east; the western Dixon County line north to U.S. Route 20; U.S. Route 20 east to the western Dakota County line; the Dakota County line north; the northern Dakota County line east to the Missouri River;

Bounded on the East by: The Missouri River south-southeast to State Route 91; State Route 91 west to the eastern Dodge County line; the Dodge County line south; the southern Dodge County line west to U.S. Route 77; U.S. Route 77 south including Wahoo, Nebraska, to the southern Saunders County line;

Bounded on the South by: The Saunders County line west; the southern Butler County line west; the southern Polk County line west;

Bounded on the West by: The western Polk County line north to the Platte River; the Platte River northeast to the western Platte County line; the Platte County line north; the northern Platte County line east to U.S. Route 81; U.S. Route 81 north to U.S. Route 20.

In Iowa, the area shall be bounded on the North by: The northern Crawford County line; the northern Carroll County line from Crawford County east to U.S. Route 71;

Bounded on the East by: U.S. Route 71 south, including Carroll, Iowa, to the southern Carroll County line; the Carroll County line west; the eastern Shelby County line south;

Bounded on the South by: The southern Shelby County line west; the southern Harrison County line west to State Route 183;

Bounded on the West by: State Route 183 north, including Missouri Valley, Iowa, to the northern Harrison County line; the Harrison County line east to the western Crawford County line; the Crawford County line north to the northern Crawford County line.

Exceptions to this designated geographic area are the following service locations inside the area which are serviced by other official agencies: Columbus, Nebraska, in Platte County to be serviced by Hastings Grain Inspection, Inc.; Shelby, Nebraska, in Polk County to be serviced by Omaha Grain Inspection Service, Inc.; Rising City, Nebraska, in Butler County to be serviced by Omaha Grain Exchange; and Charter Oak, Iowa, in Crawford County to be serviced by Sioux City Grain Exchange.

Interested persons may obtain maps of the proposed geographic area for this agency from the Compliance Division, Delegation and Designation Branch.

The specified service point of the Fremont Grain Inspection Department, Inc., is 603 East Dodge Street, Fremont, Nebraska 68025, and is located within the agency's proposed geographic area. A specified service point for the purpose of this notice is a city, town, or other location specifed by an agency for the conduct of all or specified official inspection functions and where the agency or one or more of its licensed inspectors is located. A service location for the purpose of this notice is a city, town, or other location specified by an agency for the conduct of official inspection functions other than official grading where no licensed inspector is located. The designation document provides for the inclusion of additional specified service points and service locations which may be established in the future within the agency's assigned geographic area.

Publication of this notice does not preclude future amendment of this designation, consistent with the provisions and objectives of the Act.

Interested persons are hereby given opportunity to submit written views or comments with respect to the geographic area proposed for assignment to the Fremont Grain Inspection Department, Inc. All views or comments should be submitted in writing to the Office of the Director, Compliance Division, Federal Grain Inspection Service, 201 14th Street, S.W., Room 2405, Auditors Building, Washington, D.C. 20250. All materials submitted should be mailed to the Director not later than March 29, 1979. All materials submitted pursuant to this notice will be made available for public inspection at the Office of the Director during regular business hours (7 CFR 1.27(b)). Consideration will be given to the views and comments so filed with the Director and to all other information available to the U.S. Department of Agriculture before final determination of the assignment of geographic area is made with respect to this matter.

(Sec. 4, Pub. L. 94-582, 90 Stat. 2868 (7 U.S.C. 75a); sec. 8, Pub. L. 94-582, 90 Stat. 2870 (7 U.S.C. 79); sec. 9, Pub. L. 94-582, 90 Stat. 2875 (7 U.S.C. 79a); sec. 27, Pub. L. 94-582, 90 Stat. 2889 (7 U.S.C. 74 note))

Done in Washington, D.C. on: February 6, 1979.

L. E. BARTELT,
Administrator.

[FR Doc. 79-4581 Filed 2-9-79; 8:45 am]

[3410-02-M]

TERMINATION OF OFFICIAL SERVICES

Replacement Agency Will Not Be Designated for the State of Delaware

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Notice.

SUMMARY: This notice announces that a replacement agency will not be designated to provide official services in the State of Delaware. The Department of Agriculture of the State of Delaware, the agency formerly designated to provide official inspection services in Delaware, elected not to request official designation under the United States Grain Standards Act, as amended, and thus allowed its official agency status to terminate midnight, November 19, 1978.

EFFECTIVE DATE: February 12, 1979.

FOR ADDITIONAL INFORMATION CONTACT:

Edith A. Christensen, U.S. Department of Agriculture, Federal Grain Inspection Service, Compliance Division, Delegation and Designation Branch, 1400 Independence Avenue, S.W., Room 2405, Auditors Building, Washington, D.C. 20250, (202) 447-8525.

SUPPLEMENTARY INFORMATION: Pub. L. 94-582, enacted in 1976 to amend the United States Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (hereinafter the "Act"), provides in Section 27 that any interior inspection agency providing service on November 20, 1976, the date on which the amended Act became effective could continue to do so without a designation under the Act until the expiration of a period as determined by the Administrator, but not to exceed 2 years after the Act's effective date (7 U.S.C. 74 note).

The November 1, 1978, issue of the FEDERAL REGISTER (43 FR 50952) announced that the Department of Agriculture of the State of Delaware, Dover, Delaware (State), notified the Federal Grain Inspection Service (FGIS) that it had elected not to request official designation under the terms of the Act and thus would allow its designation to terminate midnight, November 19, 1978.

Members of the grain trade and other interested persons were given until December 1, 1978, to comment on the need for continuing official inspection services in the State of Delaware and, subject to a final determination by the Administrator as to the need, make application for designation to operate as an official agency in Delaware.

No comments were received on the need for continuing official inspection service. However, the FGIS has received information from the State that indicates that there has been a limited number of requests received for full inspection service during the last fiscal year. Of the total number of inspections performed by the State during the last fiscal year, less than 3% were performed as a full grade service, indicating that nearly 98% of all inspections were for one or two grading factors only; i.e. moisture or foreign material, and not for an official U.S. grade. A survey taken by FGIS of interested parties in the State of Delaware's grain industry indicates that applicants will be able to secure the factor analyses they require for grain trade in Delaware from sources other than an officially designated agency.

One request for an application form was made, however, no application was submitted regarding the November 1, 1978, notice.

By reason thereof and after due consideration of all relevant matters and information available to the U.S. Department of Agriculture, the Administrator, FGIS, has determined that, at this time, a replacement agency will not be designated to provide official services in Delaware.

This action does not preclude the State of Delaware or any private agency or person from making future application for designation as an official agency if it can be established that there is a need for official services in Delaware.

(Sec. 27, Pub. L. 94-582, 90 Stat. 2889, (7 U.S.C. 74 note))

Done in Washington, D.C. on: February 6, 1979.

L. E. BARTELT,
Administrator.

[FR Doc. 79-4582 Filed 2-9-79; 8:45 am]

[6320-01-M]

CIVIL AERONAUTICS BOARD

[Docket Nos. 34176, etc.; Order 79-2-46]

ALLEGHENY AIRLINES, INC.

Order Concerning Termination of Service

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of February 1979.

Notice of Allegheny Airlines, Inc., under sections 401(j)(1), 401(j)(2) and 419(a)(3) of the Federal Aviation Act of 1958, as amended by the Airline Deregulation Act of 1978, concerning termination of service at Plattsburgh, Massena, Watertown, Saranac Lake/Lake Placid, Ogdensburg, New York and Rutland, Vermont, Dockets 34176, 34177, 34178, 34180, 34181, 34182; Interim Essential Air Transportation at Plattsburgh, Massena, Watertown, Saranac Lake/Lake Placid, Ogdensburg, New York and Rutland, Vermont, Docket 34681.

On December 6, 1978, Allegheny Airlines, Inc., filed notices under sections 401(j)(1), 401(j)(2) and 419(a)(3) of the Act of its intent to suspend all air service on March 7, 1979, at Plattsburgh, New York (Docket 34176); Massena, New York (Docket 34177); Watertown, New York (Docket 34178); Saranac Lake/Lake Placid, New York (Docket 34180); Rutland, Vermont (Docket 34181); and Ogdensburg, New York (Docket 34182). Allegheny is presently the only air carrier certificated at these points. In Order 75-4-67, April 11, 1975, the Board suspended for ten years Allegheny's authority under its certificate for Route 97 to serve each of these points, contingent upon the provision of a minimum level of replacement service by Air North, Inc., an Allegheny Commuter.[1]

Answers in response to Allegheny's notice have been received from Air North and Members of the New York State Delegation.[2] Air North states that it seeks certificated authority under sections 401 and 419 of the Act to provide air transportation to each of the points Allegheny seeks to terminate and to receive subsidy for such service pursuant to section 419(a)(5), and requests the Board to consider its application in conjunction with its consideration of Allegheny's notices to terminate service. Furthermore, it urges the Board to do so without a hearing. Concurrently with its answer, Air North filed an amendment to its 401 application, filed May 26, 1978, in Docket 32747, and a petition for an order to show cause why its application should not be granted.[3] Answers in support of Air North's show cause petition have been filed by the Members of the New York delegation and the Watertown International Airport Commission.

We are very concerned about the air service needs of these communities, and we are prepared to take steps to see that these service needs are adequately met. Prior to relieving Allegheny of its certificate obligations, however, the Board must determine that essential air transportation will be provided in the absence of Allegheny's service responsibilities. Allegheny, the only air carrier certificated at these points, is meeting its certificate obligations under a replacement agreement approved by the Board in Order 75-4-67, in which Air North is providing the required minimum level of service as set forth in the Board's order.

We intend to make an interim essential air transportation determination for Massena, Ogdensburg, Plattsburgh, Rutland, Saranac Lake/Lake Placid and Watertown, but only after considering the views of the communities and state officials of the State in which each community is located.[4] Once this interim determination is made, we will formally invite interested applicants to submit service proposals indicating the communities they would desire to serve and the service-pattern and equipment type to be operated.[5] In addition, we will also inquire whether subsidy would be necessary and, if so, the amount which would be required.

We believe that we have a statutory responsibility to insure that communities are directly involved in the process of determining their essential level of air transportation, and that reponsible community and state officials should have the opportunity to respond directly on this issue. Therefore, before we can make an interim determination and formally invite carriers to submit service proposals, we must find out from the communities and the appropriate state officials of New York and Vermont their views concerning the interim level of essential air transportation that should be provided each of these communities. We are aware that a number of the communities and the New York State Delegation have expressed their support of Air North's application and service proposal. However, a community's support of a particular carrier's service proposal is not necessarily the same as a community's own views as to what should be its level of essential air service.

Therefore, we are instituting an investigation into the interim level of essential air transportation that should be provided each of these communities, and are requesting each of the communities and the appropriate state officials of New York and Vermont to submit to the Board in that docket within 30 days of the service date of this order the following information:

(1) The affected point's principal communities of interest for air service,

(2) The appropriate size and characteristics of aircraft to be operated at the community, and

(3) The minimum level of frequencies which would provide essential service.

After this information is provided, we will make an interim determination and formally invite interested carriers to submit service proposals to provide this service. Once we have determined that a qualified carrier (or carriers) will be able to inaugurate and maintain the level of essential air transportation at a point that Allegheny seeks to terminate, we will then relieve Alle-

---

[1] The minimum level of replacement service required by the Board in Paragraph 5, Order 75-4-67, is (1) Two daily round trips (except one round trip on Saturdays, Sundays, and holidays) between Massena and Syracuse; (2) Two daily round trips (except one round trip on Saturdays, Sundays, and holidays) between Ogdensburg and Syracuse; (3) Three daily round trips (except two round trips on Saturdays, Sundays and holidays between Plattsburgh and Albany; (4) Two daily round trips (except Saturday) between Rutland and Albany; (5) Two daily round trips (except one round trip on Saturdays, Sundays, and holidays) between Saranac Lake/Lake Placid and Albany; and (6) Three daily round trips (except two round trips on Saturdays, Sundays, and holidays) between Watertown and Syracuse.

[2] United States Senators Jacob K. Javits and Daniel Patrick Moynihan; Members of Congress Robert C. McEwen, Samuel S. Stratton, James M. Hanley and Matthew F. McHugh. Their late answer was accompanied by a motion for leave to file an otherwise unauthorized document. We will grant the motion.

[3] In its petition for an order to show cause, the carrier stated that it would serve the communities with 16-seat Twin Otters and 30-seat Shorts SD3-30; it has ordered its first two SD3-30 aircraft from Shorts Brothers and claimed that if the carrier does not receive CAB certification and a commitment for adequate subsidy compensation by March 31, 1979, the guaranteed price and delivery positions will be lost. In its exhibits it projected a subsidy need of $1,554,000, and indicated that in FY 1978 it received a subsidy from Allegheny amounting to $637,000 to operate its present service-pattern. The carrier stated the larger aircraft is necessary in order to provide essential air transportation because of peaking problems associated with its linear route system and the lack of passenger comfort inherent in the Twin Otters.

[4] We will make a final determination of each community's essential air transportation requirements before October 24, 1979. *See* section 419(a)(2)(A) of the Airline Deregulation Act of 1978 (Pub. L. 95-504).

[5] We are serving a copy of this order on all commuter air carriers which operate at a point in either New York or New England.

gheny of its certificate obligations at that point.

Furthermore, we are giving Allegheny notice of the possibility that a suitable replacement carrier(s) may not be found prior to March 7, the final day of its 90-day notice. In that event, its certificate obligations will remain in force for an additional 30-day period or until another air carrier, which is operating independently of Allegheny's service requirements, has begun to provide essential air transportation to such point, whichever occurs first. During the additional 30-day period Allegheny may continue its present arrangement with Air North as approved by the Board in Order 75-4-67 in order to be in compliance with its certificate obligations. We urge Allegheny to contact our staff to discuss the carrier's ability to continue to provide service to these points after March 7, and to specify any compensation for losses which may be required.

We will not at this time consider Air North's 401 application and its 419 service proposal.[6] Such a course of action would be premature before we receive the views of the communities and states involved or the service proposals of other carriers. However, we will grant the carrier's request that its application and service proposal be considered at the same time that we consider those received by the other carriers.

Accordingly,

1. We institute an investigation entitled *Interim Essential Air Transportation at Massena, Ogdenburg, Plattsburgh, Saranac Lake/Lake Placid, Watertown, New York and Rutland, Vermont,* Docket 34681, under sections 204 and 419 of the Federal Aviation Act of 1958, as amended;

2. We request the cities of Lake Placid, Massena, Ogdensburg, Plattsburgh, Saranac Lake, Watertown, New York, and Rutland, Vermont, the States of New York and Vermont, the New York State Department of Transportation and the Vermont Agency of Transportation to submit by March 9, 1979, their views regarding the level of essential air transportation that the Board should determine for each point;

3. We require Allegheny Airlines to continue to abide by its certificate obligations at Massena, New York; Ogdensburg, New York; Plattsburgh, New York; Saranac Lake/Lake Placid, New York; Watertown, New York; and Rutland, Vermont, for an additional 30-day period, until April 6, 1979, or until a fit, willing, and able replacement carrier is found by the Board to be capable to inaugurate and maintain essential air transportation at any such point, whichever first occurs;

4. We consolidate Dockets 34176, 34177, 34178, 34180, 34181 and 34182 into the investigation instituted by paragraph 1 above;

5. We grant the motion of the New York State Delegation to file an otherwise unauthorized document;

6. We will serve a copy of the order on all those persons who have filed documents or who appear on the service lists of Dockets 34747, 34176, 34177, 34178, 34180, 34181 and 34182, the New York State Department of Transportation, the Vermont Agency of Transportation and on all commuter air carriers registered with the Board, which operate scheduled air transportation at any point in the State of New York or New England; and

7. This order may be amended or revoked at any time at the discretion of the Board without a hearing.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,[7]
Secretary.

[FR Doc. 79-4603 Filed 2-9-79; 8:45 am]

[6320-01-M]

[Docket No. 33068]

TRANSPACIFIC LOW-FARE ROUTE INVESTIGATION

Hearing

The hearing in this proceeding will be held on March 6, 1979 at 9:30 a.m. (local time) in Room 1003, Hearing Room A, 1875 Connecticut Avenue, NW., Washington, D.C.

For discussion of the issues in this proceeding see Orders 78-7-114, 78-12-128, 79-1-176 and the report of the prehearing conference in this proceeding.

Dated at Washington, D.C., February 6, 1979.

STEPHEN J. GROSS,
Administrative Law Judge.

[FR Doc. 79-4602 Filed 2-9-79; 8:45 am]

[3510-15-M]

DEPARTMENT OF COMMERCE

Maritime Administration

FIREFIGHTING TRAINING SITE PROPOSALS

In anticipation of U.S. Coast Guard (USCG) regulations requiring that certain waterborne commerce personnel undergo practical firefighting training, and recognizing the value of this training, the Maritime Administration (MARAD), in coordination with the USCG has been developing plans to expand the number of facilities available to provide hands-on firefighting training to qualified American merchant seamen. Accordingly, MARAD is proposing to establish a marine firefighting facility on the West Coast to serve the need for providing such training in that area, and is interested in receiving site proposals from public and private non-profit parties. The following minimum requirements are mandatory with respect to any site offered.

1. Unencumbered, accessible level land (approximately 3 acres) available for use by the Federal Government, including terms most favorable to the Government;

2. All necessary burn permits—all Federal, State, and local pollution and environmental clearances, including an environmental impact statement to be provided by the proposer; and

3. Provision of all required utilities (power, adequate water under pressure, sewage etc.) at the site.

MARAD has established the ensuing weighted criteria for determining site selection:

Criteria and Weight

1. Accessibility to U.S. merchant marine personnel who require firefighting training as part of the USCG licensing or certification process, 10.

2. Regular service by air and other modes of transportation. The following ranges of mileage distance shall be used in determining relative proximity to major transportation systems; (0-20)(20-50)(50-100)(100-200)(200+miles), 9.

3. Availability of adequate overnight housing and dining facilities near the proposed field facility (not to exceed 30 minutes driving time), 9.

4. Buildings on the proposed land site that are suitable to house administrative offices, an assembly room (30/40 capacity), adequate separate toilet/shower facilities, locker space and areas for drying firefighting gear and storing spares and consumables—pre-fab or cinderblock type, functional but not pretentious, 6.

5. Proximity of a facility that might be utilized for conducting a MARAD/USCG approved course in marine firefighting, the completion of which is a prerequisite for attendance at the field exercise facility. The classroom portion of the training will not be conducted nor financed by MARAD. However, a facility suitable for industry classroom training (30/40 minimum capacity), within a reasonable distance of the field site, is a requisite, 5.

6. Proximity to an office in the Western Region of MARAD for administrative purposes, 4.

7. The offer of equipment and/or construction assistance by local interests, 4.

Letters of interest indicating intent to submit proposals shall be submitted by February 28, 1979 to the Office of Maritime Manpower, maritime Administration, U.S. Department of Commerce, Washington, D.C. 20230.

MARAD will consider proposals of suitable sites received on or before April 2, 1979.

[6] Air North's petition for an order to show cause will be dealt with in a separate order.

[7] All Members concurred.

Further information may be obtained by contacting the Office of Maritime Manpower, Maritime Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone A/C 202/377-5379.

Dated: February 6, 1979.

So ordered by Assistant Secretary of Commerce for Maritime Affairs, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc. 79-4643 Filed 2-9-79; 8:45 am]

[1505-01-M]

COMMODITY FUTURES TRADING COMMISSION

PUBLICATION OF AND REQUEST FOR COMMENT ON PROPOSED RULES HAVING MAJOR ECONOMIC SIGNIFICANCE

Trade Rule 25 of the New York Cocoa Exchange, Inc. Rules 1404-A and B of the Chicago Mercantile Exhange

Correction

In FR Doc. 79-4150, appearing at page 7791, in the issue of Wednesday, February 7, 1979, on page 7792 in the last column, the first full paragraph, the comments date should read "March 9, 1979".

[6450-01-M]

DEPARTMENT OF ENERGY

NATIONAL PETROLEUM COUNCIL

Committee on Refinery Flexibility Meeting

Notice is hereby given that the National Petroleum Council's Committee on Refinery Flexibility will meet in the Mount Vernon Room of the Madison Hotel, 15th and M Streets, NW, Washington, DC, on Wednesday, March 7, 1979, beginning at 1:30 p.m.

The National Petroleum Council provides technical advice and information to the Secretary of Energy on matters relating to oil and gas or the oil and gas industries. Accordingly, the Committee on Refinery Flexibility has been requested by the Secretary to undertake an analysis of the factors affecting crude oil quality and availability and the ability of the refining industry to process such crudes into marketable products. This analysis will be based on information and data to be gathered by the Oil Supply, Demand, and Logistics Task Group and the Refinery Capability Task Group, whose efforts will be coordinated by the Coordinating Subcommittee.

The tentative agenda for the meeting is as follows:

1. Opening remarks.
a. Jerry McAfee, Chairman
b. Hon. Alvin L. Alm, Government Cochairman.
2. Review and discuss progress of working groups.
a. Refinery Capability Task Group—John R. Hall, Chairman.
b. Oil Supply, Demand, and Logistics Task Group—S. E. Watterson, Jr., Chairman.
c. Coordinating Subcommittee—Warren B. Davis, Chairman.
3. Review and discuss timetable for completion of the study.
4. Review and discuss Committee's progress report to be presented to the National Petroleum Council.
5. Discuss any other matters pertinent to the overall assignment of the Committee.

All meetings are open to the public. The Chairmen of the Committee are empowered to conduct the meeting in a fashion that will, in their judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Mr. Frank Verrastro, U.S. Department of Energy, (202) 252-5688, prior to the meeting, and reasonable provision will be made for their appearance on the agenda. Transcripts of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room GA-152, Department of Energy, Forrestal Bldg., 1000 Independence Avenue, SW, Washington, DC, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC, on February 1, 1979.

ALVIN L. ALM,
Assistant Secretary,
Policy and Evaluation.

[FR Doc. 79-4570 Filed 2-9-79; 8:45 am]

[6450-01-M]

NATIONAL PETROLEUM COUNCIL, TASK GROUP OF THE COMMITTEE ON UNCONVENTIONAL GAS SOURCES

Meeting

Notice is hereby given that a task group of the Committee on Unconventional Gas Sources will meet in February 1979. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee or Unconventional Gas Sources will analyze the potential constraints in these areas which may inhibit future production and will report its findings to the National Petroleum Council. Its analysis and findings will be based on information and data to be gathered by the various task groups. The task group scheduling a meeting is the Task Group on Tight Gas Reservoirs. The time, location and agenda of the task group meeting follows:

The third meeting of the Tight Gas Reservoirs Task Group will be on Tuesday, February 27, 1979, starting at 8:30 a.m. in Room 1118 of the Mobil Corporation offices, Prudential Plaza Building, 1645 Curtis Street, Denver, Colorado.

The tentative agenda for the meeting follows:

1. Introductory remarks by Chairman and Government Cochairman.
2. Discussion of the study methodology to be employed by the Tight Gas Reservoirs Task Group.
3. Discussion of the timetable of the Tight Gas Reservoirs Task Group.
4. Discussion of any other matters pertinent to the overall assignment of the Tight Gas Reservoirs Task Group.

The meeting is open to the public. The chairman of the task group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the task group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lucio A. D'Andrea, Office of Resource Applications, 202/633-9482, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meetings will be available for public review at the Freedom of Information Public Reading Room, Room GA 152, DOE, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on February 2, 1979.

GEORGE S. MCISAAC,
Assistant Secretary for
Resource Applications.

FEBRUARY 2, 1979.

[FR Doc. 79-4632 Filed 2-9-79; 8:45 am]

[6450-01-M]

Federal Energy Regulatory Commission

[Project No. 2818]

CITY AND BOROUGH OF SITKA

Availability of Environmental Impact Statement for Inspection

FEBRUARY 2, 1979.

Notice is hereby given that on or about February 5, 1979, as required by the Commission Rules and Regulations under Order 415-C, issued December 18, 1972, a final environmental impact statement prepared by the Commission's staff pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969 (Pub. L. 91-190) was placed in the public filed of the Federal Energy Regulatory Commission. This statement deals with the environmental impact of the issuance of a Federal Energy Regulatory Commission license to the City and Borough of Sitka for the construction, operation, and maintenance of the proposed Green Lake Dam, reservoir, power tunnel, powerhouse, switchyard, transmission line, and access road. The project would have an installed capacity of 16,500 kW.

This statement is available for public inspection in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426 and its San Francisco Regional Office located at 555 Battery Street, San Francisco, California 94111. Copies may be ordered from the Commission's Office of Public Information, Washington, D.C. 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-4609 Filed 2-9-79; 8:45 am]

[6450-01-M]

FORT WORTH BASIN AREA, TEX.

Inspection

FEBRUARY 6, 1979.

Notice is hereby given that on February 10, 1979, Commissioner George R. Hall will visit certain natural gas production and processing facilities in the Fort Worth Basin area, Texas. The visit is being arranged by the Texas Independent Producers and Royalty Owners (TIPRO). Commissioner Hall will be departing from Love Field, Texas at 9:00 a.m.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-4616 Filed 2-9-79; 8:45 am]

[6450-01-M]

[Docket No. CP66-110]

GREAT LAKES GAS TRANSMISSION CO.

Petition To Amend

FEBRUARY 2, 1979.

Take notice that on December 5, 1978, Great Lakes Gas Transmission Company (Great Lakes), 2100 Buhl Building, Detroit, Michigan 48226, filed in Docket No. CP66-110 a Petition to amend further the certificate of public convenience and necessity issued in the instant docket pursuant to Section 7(c) of the Natural Gas Act to authorize Applicant to sell natural gas to Midwestern Gas Transmission Company (Midwestern) and to render a related transportation service for Midwestern, all as more fully set forth in the petition on file with the Commission and open for public inspection.[1]

The following numbered paragraphs relate statements made in the application:

(1) On November 17, 1978, Great Lakes entered into a gas purchase agreement with Midwestern, pursuant to which Great Lakes would resell to Midwestern, on a best efforts basis, up to 18,000,000 Mcf of natural gas which it had purchased from Transcanada Pipe Lines Limited (Transcanada). Midwestern would take title to the gas at the existing interconnection between Transcanada and Great Lakes, at the international border near Emerson, Manitoba.

(2) The sales price for the gas would be the same price that Great Lakes paid to Transcanada for the gas, currently $2.16 per MM Btu, plus a charge for a compression service by Transcanada.

(3) 18,000,000 Mcf of natural gas is approximately the quantity which Great Lakes has been unable to take under existing import authorizations and which Great Lakes could not make up because of certain import and export restrictions.

(4) Great Lakes and Midwestern also entered into a transportation contract on November 17, 1978. Pursuant to this contract, Great Lakes would transport for Midwestern, on an interruptible basis:

(a) The gas referred to in paragraph (1) above, and

(b) The gas imported by Midwestern from Transcanada under an amendatory agreement dated November 16, 1978, providing for the importation of an additional 114,000,000 Mcf of gas.

(5) Midwestern's gas would be transported by Great Lakes from the international border, as follows:

(a) to Northern National Gas Company, at Carlton, Minnesota;

(b) to Michigan Wisconsin Pipe Line Company, for the accounts of Natural Gas Pipeline Company of America and Tennessee Gas Pipeline Company, a Division of Tenneco Inc., at Fortune Lake and Farwell, Michigan.

(6) The transportation fee charged by Great Lakes would be the current 100 percent load factor rate (including Purchase Gas Adjustments, if any) chargeable to Transcanada from time to time under Great Lakes' Rate Schedule T-4 of its FERC Gas Tariff, Original Volume No. 2, plus a charge of 2.0 cents per Mcf of gas transported.

(7) No new facilities would be required to effect delivery of the volumes involved in the instant Petition to Amend.

(8) In order for Great Lakes to have the capacity to transport the volumes referred to herein, Transcanada and Great Lakes have agreed, on November 17, 1978, to provide for the reduction in deliveries in Great Lakes' transportation service for Transcanada when Transcanada can do so, on the condition that Great Lakes give full demand and commodity credit to Transcanada for all reductions in the transportation volume.

Any person desiring to be heard or to make any protest with reference to said petition should on or before February 26, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-4610 Filed 2-9-79; 8:45 am]

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the FERC.

[6450-01-M]

[Docket No. RP79-22]

TENNESSEE GAS PIPELINE CO.

Rate Increase

FEBRUARY 2, 1979.

Take notice that on January 29, 1979, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), tendered for filing proposed

changes in its FERC Gas Tariff to be effective March 1, 1979, consisting of the following revised tariff sheets:

Ninth Revised Volume No. 1: Twenty-Fourth Revised Sheet Nos. 12A and 12B; First Revised Sheet Nos. 66 and 71;

Sixth Revised Volume No. 2: First Revised Sheet Nos. 266J, 268C, 277B, 285E, 286E, 287E, 297D, and 297E; Second Revised Sheet Nos. 264H, 266I, and 274E; Third Revised Sheet No. 141A; Fourth Revised Sheet Nos. 246D, 247D, 248D, 249H, and 249I; Fifth Revised Sheet No. 245D; Sixth Revised Sheet Nos. 76 and 215; Seventh Revised Sheet Nos. 53, 54, and 77; Eighth Revised Sheet No. 141; and Tenth Revised Sheet Nos. 11 and 12.

The proposed changes would increase revenues from jurisdictional sales and services by $13,649,675 based on a test period consisting of the twelve months ended September 30, 1978, adjusted for known changes through June 30, 1979.

Tennessee states that the increased rates are required to reflect an increase in rate of return and related income taxes, increased plant and related expenses, and increases in the cost of materials, supplies, wages, taxes and the transportation of gas by others. Tennessee states that the proposed increase is within President Carter's guidelines for price increases.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before February 21, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-4614 Filed 2-9-79; 8:45 am]

[6450-01-M]

[Docket No. CP78-4]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Intent To Act

JANUARY 30, 1979.

On December 26, 1978, Guilford Mills, Inc. (Guilford), filed in Docket No. CP78-4 a Petition to Modify Commission Order on Basis of Newly Arisen Facts (i.e., National Energy Legislation). Guilford requests the Commission to modify the order of September 25, 1978, issuing a certificate of public convenience and necessity pursuant to Section 7(c) of the Natural Gas Act and § 2.79 of the Commission's General Policy and Interpretations to Transcontinental Gas Pipe Line Corporation (Transco) authorizing the transportation of natural gas in interstate commerce for Guilford for two years. Said order limits authorization to transportation of gas purchased by Guilford at rates consistent with prevailing intrastate rates as reflected in Commission Form No. 45. Said limitation would have the effect of permitting transportation during the second year only if Guilford should pay a rate to the producer of the gas less than that rate provided by the gas purchase contract. Rehearing of the order of September 25, 1978, was denied by order issued November 24, 1978.

In the instant petition Guilford submits that in view of the promulgation of the Natural Gas Policy Act of 1978 on November 9, 1978, the Commission should modify its limitation on transportation of gas purchased at the second year contract price. Considering the major changes in policy and scope of regulation made, required, and permitted by the Natural Gas Policy Act of 1978, and the novelty of the questions raised by the instant petition, notice is hereby given that the Commission does intend to act on the issues presented by the instant petition.[1]

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc 79-4615 Filed 2-9-79; 8:45 am]

---

[1] The instant petition is stated to be filed pursuant to Section 1.34(b) of the Commission's Rules of Practice and Procedure which, *inter alia*, sets forth the procedure in part for applications for rehearing based upon matters that have arisen since hearing and decision. Since rehearing has heretofore been denied, the instant petition will not and cannot be entertained as an application for rehearing.

[6450-01-M]

[Docket No. ER79-150]

SOUTHERN CALIFORNIA EDISON CO.

Proposed Tariff Change

FEBRUARY 2, 1979.

Take notice that Southern California Edison Company (SCE) on January 15, 1979, tendered for filing proposed changes in its FERC Electric Service Tariffs, R-1 and R-2. SCE states that such tariff changes would increase revenues from base rates and fuel adjustment applicable to jurisdictional sales and service by an estimated $5,481,000 if applicable during the 12-month period ending December 31, 1979.

SCE further states that the increase in charges averages an estimated 2.9% for customers served on the prior R-1 schedule and an estimated 4.0% for customers served on the prior R-2 schedule.

SCE indicates that the reasons for the proposed increase are the following: the inadequacy of existing rates to cover present and projected levels of operating costs including a return component commensurate with present and projected cost of capital.

SCE proposes an effective date of March 16, 1979.

Copies of the filing were served upon the utility's jurisdictional customers, the California Public Utilities Commission, and upon the Arizona Corporation Commission, according to SCE.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 20, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public insection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-4612 Filed 2-9-79; 8:45 am]

[6450-01-M]

[Docket Nos. RP64-31, *et al.*]

SOUTHERN NATURAL GAS CO.

Filing of Pipeline Refund Reports and Refund Plans

FEBRUARY 2, 1979.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concern-

ing the subject refund reports and plans. All such comments should be filed with or mailed to the Federal Energy Regulatory Commission, 825 North Capitol Street, NW., Washington, D.C 20426, on or before February 20, 1979. Copies of the respective filings are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

APPENDIX

Filing date	Company	Docket No.	Type filing
12/4/78	Southern Natural	RP64-31	Report.
1/8/79	Cities	AR70-1	Report.
1/12/79	Northern Natural	G-9279, *et al.*	Plan.
1/15/79	Consolidated	RP72-157	Plan.
1/18/79	Columbia Gas	RP73-47	Report & Plan.
1/19/79	Texas Gas	RP77-139	Report.

[FR Doc. 79-4613 Filed 2-9-79; 8:45 am]

[6560-01-M]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1057-8]

ENVIRONMENTAL IMPACT STATEMENTS AND OTHER ACTIONS IMPACTING THE ENVIRONMENT

Agency Comments

Pursuant to the requirements of section 102(2) (C) of the National Environmental Policy Act of 1969, and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment contained in the following appendices during the period of January 1, 1978 and January 31, 1978.

Appendix I contains a listing of draft environmental impact statements reviewed and commented upon in writing during this review period. The list includes the Federal agency responsible for the statement, the number and title of the statement, the classification of the nature of EPA's comments as defined in Appendix II, and the EPA source for copies of the comments as set forth in Appendix VI. Appendix II contains the definitions of the classifications of EPA's comments on the draft environmental impact statements as set forth in Appendix I.

Appendix III contains a listing of final environmental impact statements reviewed and commented upon in writing during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the EPA source for copies of the comments as set forth in Appendix VI.

Appendix IV contains a listing of final environmental impact statements reviewed but not commented upon by EPA during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, a summary of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in Appendix VI. Appendix V contains a listing of proposed Federal agency regulations, legislation proposed by Federal agencies, and any other proposed actions reviewed and commented upon in writing pursuant to section 309(a) of the Clean Air Act, as amended, during the referenced reviewing period. This listing includes the Federal agency responsible for the proposed action, the title of the action, a summary of the nature of EPA's comments, and the sources for copies of the comments as set forth in the Appendix VI.

Appendix VI contains a listing of the names and addresses of the source of EPA reviews and comments listed in Appendices I, III, IV, and V.

Copies of the EPA Manual setting forth the policies and procedures for EPA's review of agency actions may be obtained by writing the Public Information Reference Unit, Environmental Protection Agency, Room 2922, Waterside Mall SW, Washington, D.C. 20460, telephone 202/755-2808. Copies of the draft and final environmental impact statements referenced herein are available from the originating Federal department or agency.

Dated: January 29, 1979.

WILLIAM N. HEDEMAN, Jr.,
Director,
Office of Federal Activities.

APPENDIX I.—*Draft Environmental Impact Statements for Which Comments Were Issued Between Jan. 1, 1978 and Jan. 31, 1978*

Identifying No.	Title	General nature of comments	Source for copies of comments
CORPS OF ENGINEERS			
D-COE-C34001-NJ	Permit to construct a Tidal Barrier and Dredge, Hackensack River, Bergen County, New Jersey.	EU3	C
D-COE-E30007-FL	Beach Erosion Control Study, St. Johns County, Florida.	LO2	E
D-COE-E34008-GA	Metropolitan Atlanta Water Resources Study, Lake Sidney Lanier Restudy, Georgia.	LO2	E
D-COE-E34010-MS	Operation and Maintenance, Arkabutla, Enid, Grenada and Sardis Lakes, Mississippi.	LO2	E
D-COE-K32015-HI	Poholiki Bay Navigation Improvements, Poholiki Bay, Hawaii.	LO1	J
D-COE-K36024-CA	Sweetwater River Flood Control Channel, San Diego County, California.	ER2	J
DEPARTMENT OF AGRICULTURE			
D-AFS-E65019-KY	Management of the Licking River Unit, Daniel Boone National Forest, Bath, Menifee, Morgan, and Rowan Counties, Kentucky (USDA-FS-R8-DES-ADM-78-04).	LO2	E
D-AFS-F65002-MI	Timber Resource Plan, Hiawatha National Forest, Alger and Delta Counties, Michigan.	LO2	F

APPENDIX I.—*Draft Environmental Impact Statements for Which Comments Were Issued Between Jan. 1, 1978 and Jan. 31, 1978*—Continued

Identifying No.	Title	General nature of comments	Source for copies of comments
D-AFS-J65068-00	Beartooth Face Planning Unit, Custer, Gallatin and Shoshone National Forest, Montana and Wyoming.	ER1	I
D-AFS-K40054-CA	Gasquet and Orleans Road, Chimney Rock Section, Six Rivers National Forest, California.	LO1	J
D-AFS-K61019-CA	Trubuco Planning Unit, Cleveland National Forest, San Diego County, California.	LO1	J
D-AFS-K65023-CA	Big Bear Basin Planning Unit, San Bernardino National Forest, California.	ER2	J
D-AFS-K65023-CA	South Park Mountain, Shasta-Trinity National Forest, California.	LO2	J
D-AFS-L61099-OR	Elgin Planning Unit, Land Management, Umatilla and Wallow-Whitman National Forest, Union and Wallowa Counties, Oregon (USDA-FS-R6-DES (ADM) (78-2).	LO1	K
D-SCS-D36027-WV	Upper Mud River Watershed, Lincoln and Boone Counties, West Virginia.	LO1	D
D-SCS-E36050-MS	Union Creek Channel Improvements, Neshoba and Newton Counties, Mississippi (USDA-SCS-EIS-RCD-ADM-78-1-(D)-MS).	LO2	E
D-SCS-E36051-AL	Factory Creek Watershed, Sumter County, Alabama.	LO1	E
DEPARTMENT OF COMMERCE			
D-EDA-E28027-TN	Water and Sewerage Facilities, Bradley and McMinn Counties, Tennessee (Joint EPA-EDA EIS).	LO2	E
D-NOA-B90001-RI	Rhode Island Coastal Management Program.	LO1	B
S-NOA-B91006-00	Fishery Management Plan for Atlantic Groundfish, Haddock, Cod and Yellowtail Flounder.	LO1	B
D-NOA-L90014-00	Fishery Management Plan for the Northern Anchovy Fishery, Off the Pacific Coast.	LO2	K
DEPARTMENT OF TRANSPORTATION			
D-DOT-A52124-00	Standards for Nonpassenger Automobiles, Average Fuel Economy Model Years 1980-1981.	LO1	A
D-FAA-F51011-OH	Akron and Canton Regional Airport, North Canton, Summit County, Ohio.	LO2	F
D-FAA-F51012-MN	Construct New Runway 13-31 and Land Acquisition, Fergus Falls Municipal Airport, Ottertail County, Minnesota.	LO2	F
S-FHW-A42425-KS	I-435 Extension, Kansas City Loop, Johnson and Wyandotte Counties, Kansas (FHWA-KANS-EIS-DS-3) (see also FS-DOT-A41101-KS).	3	H
D-FHW-B40029-VT	Burlington Southern Connector, I-89 to Battery Street, Burlington, Chittenden County, Vermont (FHWA-VT-EIS-77-02-D.	ER2	B
D-FHW-C40033-NJ	NJ-152, Bay Avenue to JFK Bridge, Somers Point, Egg Harbor Township, Atlantic County, New Jersey.	ER2	C
D-FHW—C40034-NY	US 219, Southern Expressway, Section III and IV Erie County, New York.	ER2	C
D-FHW-D40058-VA	Berkley Avenue Improvement, Norfolk, Virginia.	ER2	D
D-FHW-E40126-AL	US 98, Mississippi State Line to East of Wilmer, Mobile County, Alabama (FHWA-ALA-EIS-77-03D).	LO2	E
D-FHW-E40127-KY	Kentucky Turnpike, I-65, Elizabethtown to the Watterson Expressway, Louisville, Jefferson, Bullitt and Hardin Counties, Kentucky (FHWA-KY-EIS-77-01-D).	LO1	E
D-FHW-E40128-NC	I-40, Raleigh Beltline to I-95, Wake, Harnett and Johnston Counties, North Carolina.	LO2	E
D-FHW-E40131-SC	Twelfth Steet Extension, City of Cayce, Lexington County, South Carolina (FHWA-SC-EIS-77-04-D).	ER2	E
D-FHW-F40102-IL	Federal Aid Primary Route 789, IL-143, Madison County, Illinois.	ER2	F
D-FHW-F40103-WI	Tri-County Expressway, Winnebago, Calumet, and Outagamie Counties, Wisconsin.	EU2	F
D-FHW-H40076-IA	State Arterial 518 Highway, IA-518, Lee County, Iowa (FHWA-LOWA-EIS-77-05-D).	LO2	H
ENERGY RESEARCH & DEVELOPMENT ADMINISTRATION			
D-ERD-A00138-00	Rocky Flats Plant at Golden, Jefferson County, Colorado.	ER2	A
D-ERD-A07014-00	Coal Research Development and Demonstration Program (ERDA-1557—D).	ER2	D

APPENDIX I.—*Draft Environmental Impact Statements for Which Comments Were Issued Between Jan. 1, 1978 and Jan. 31, 1978*—Continued

Identifying No.	Title	General nature of comments	Source for copies of comments
FEDERAL ENERGY ADMINISTRATION			
D-FEA-D03003-MD	Allocation of Petroleum Fuelstock, Baltimore Gas and Electric, Sollers Point, Baltimore County, Maryland.	ER2	D
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT			
D-HUD-C85019-PR	Residential Covadonga Development, Toa Baja, Puerto Rico.	LO2	C
D-HUD-D20001-WV	Green Acres to Merricks Creek Water Line, Cabell County, West Virginia.	LO2	D
D-HUD-F85035-MN	West Park Hills and Countryside Housing Development, Bloomington, Hennepin County, Minnesota.	LO1	F
D-HUD-G85078-TX	Clayton Subdivision, Harris County, Texas	LO2	G
D-HUD-G85082-TX	Chimney Hill Subdivision, Harris County, Texas.	LO1	G
D-HUD-G85083-TX	Westcreek Subdivision, Travis County, Texas.	LO1	G
D-HUD-G85085-TX	Westland Creek Village Subdivision, Harris County, Texas.	LO1	G
TENNESSEE VALLEY AUTHORITY			
D-TVA-G01002-NM	Dalton Pass Uranium Mine, McKinley County, Tesas.	ER2	G

APPENDIX II.—DEFINITIONS OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS

ENVIRONMENTAL IMPACT OF THE ACTION

LO—Lack of Objection

EPA has no objections to the proposed action as described in the draft impact statement; or suggests only minor changes in the proposed action.

ER—Environmental Reservations

EPA has reservations concerning the environmental effects of certain aspects of the of the proposed action. EPA believes that further study of suggested alternatives or modifications is required and has asked the originating Federal agency to reassess these impacts.

EU—Environmentally Unsatisfactory

EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

ADEQUACY OF THE IMPACT STATEMENT

Category 1—Adequate

The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternatives reasonably available to the project or action.

Category 2—Insufficient Information

EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary detemination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

Category 3—Inadequate

EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonable available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the impact statement.

APPENDIX III.—*Final Environmental Impact Statements for Which Comments Were Issued Between Jan. 1, 1978 and Jan. 31, 1978*

Identifying No.	Title	General nature of comments	Source for copies of comments
CORPS OF ENGINEERS			
F-COE-C85004-NJ	Stoeco Homes, Inc., Residential Lagoon Development, Ocean City, Cape May County, New Jersey.	EPA's concerns were adequately addressed in the final EIS.	C
FA-COE-F30006-MI	Mitigation of Shore Damage, Ludington Harbor, Michigan.	EPA's concerns were adequately addressed in the final EIS. EPA suggested the Corps conduct an analysis on the success of the proposed project and its effects on the open water and beach ecosystems.	F
F-COE-F35016-MI	Beadle Bay Development, Saginaw Bay, Huron County, Michigan.	EPA's concerns were adequately addressed in the final EIS.	F

APPENDIX III.—*Final Environmental Impact Statements for Which Comments Were Issued Between Jan. 1, 1978 and Jan. 31, 1978*—Continued

Identifying No.	Title	General nature of comments	Source for copies of comments
CORPS OF ENGINEERS			
F-COE-L39009-AK	Port Loins Small Boat Harbor, Port Loins, Alaska.	EPA's review of the final EIS indicates the COE was not responsive to comments made by EPA on the draft EIS. Specifically, EPA's comments included: (1) Adequate verification of the Corp's hydrological model, and (2) a thorough analysis of increased waste water discharges and its impact on the harbor's water quality.	K
DEPARTMENT OF AGRICULTURE			
F-AFS-K61013-CA	Big Sur Coastal Planning Unit, Los Padres National Forest, California.	EPA's concerns were adequately addressed in the final EIS.	J
F-AFS-K65015-CA	Voleanouille Planning Unit, Eldorado National Forest, California.	EPA's concerns were adequately addressed in the final EIS.	J
DEPARTMENT OF INTERIOR			
F-BIA-K6700-AZ	Vekol Hills Project, Papago Indian Reservation, Pinal County, Arizona.	EPA's concerns were adequately considered in the final EIS.	J
DEPARTMENT OF TRANSPORTATION			
F-DOT-A41432-IL	Lemont Road Bridge Replacement, IL-143, Cook and Dupage Counties, Illinois.	EPA's review of the final EIS indicated that the comments by EPA on the draft EIS have been adequately addressed.	P
F-DOT-A41598-VA	VA-265, Danville Bypass Expressway, Pittsylvania County, Virginia.	EPA's concerns were adequately addressed in the final EIS.	D
F-CGD-K61014-CA	Arden Bar Park and C. M. Goethe Park Land Use Plans, Sacramento County, California.	EPA's concerns were adequately addressed in the final EIS.	J
FS-FHW-A42231-WI	Dodgeville-Mount Horeb Roads US 18 and US 151, Iowa and Dane Counties, Wisconsin.	EPA's review of the supplement to the final EIS indicated its concerns were adequately addressed.	F
F-FHW—F40030-WI	County Trunk Highway "Q", Kenosha County, Wisconsin.	The EPA has determined the project as proposed to be environmentally unsatisfactory from the standpoint of environmental quality, health and welfare and has referred the matter to the CEQ for review pursuant to section 309(b) of the CAA. EPA's determination is based upon the impacts which would result from destruction of wetlands in the proposed high Q corridor.	A

APPENDIX III.—*Final Environmental Impact Statements for Which Comments Were Issued Between Jan. 1, 1978 and Jan. 31, 1978*—Continued

Identifying No.	Title	General nature of comments	Source for copies of comments
F-COE-F39003-MN	Barge Terminal Expansion, Packer River Terminal, Dakota County, Minnesota.	The EPA has determined the project as proposed to be environmentally unsatisfactory from the standpoint of environmental quality, health and welfare and has referred the project to the CEQ for review pursuant to section 309(B) of the CAA. EPA's objections result from the proposed filling of 23 acres of wetlands for the expansion of the existing large terminal without an adequate examination of alternatives and the potential for contributing to an already existing air quality problem.	A
F-FHW-J40028-CO	I-76, I-25 to I-70 at Wadsworth Boulevard, Adams County, Colorado.	EPA continues to have environmental reservations over the project as proposed. Specifically, EPA believes that air quality improvement would be better served if the funds for the proposed highway segment were used for transportation systems management projects like priority treatment for high occupancy vehicles and for mass transit.	I
F-FHW-K40048-NV	McCarran Boulevard, Ring Road, Sparks and Reno, Washoe County, Nevada.	Generally, EPA's concerns were adequately addressed in the final EIS.	J
F-UMT-C54002-NY	Buffalo Light Rail Rapid Transit Project, Erie and Niagara Counties, New York.	EPA's concerns were adequately addressed in the final EIS. Furthermore, the proposed project would have beneficial impacts on air quality, transportation efficiency and energy conservation.	C
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT			
F-HUD-D85014-MD	Piney Ridge, Carroll County, Maryland.	EPA's concerns were adequately addressed in the final EIS.	D
NUCLEAR REGULATORY COMMISSION			
F-NRC-E06007-MS	Yellow Creek Nuclear Plant Units 1 and 2, Tishomingo County, Mississippi, (NUREG-0365).	EPA's concerns were adequately addressed in the final EIS.	E

APPENDIX IV.—*Final Environmental Impact Statements Which Were Reviewed and Not Commented on Between Jan. 1, 1978 and Jan. 31, 1978*

Identifying No.	Title	Source of review
CORPS OF ENGINEERS		
F-COE-G32023-AR	Poteau River Small Navigation Project, Fort Smith, Arkansas	G
F-COE-H34014-KS	Operation and Maintenance, Wilson Lake, Russell and Lincoln Counties, Kansas.	H
DEPARTMENT OF AGRICULTURE		
F-AFS-B61007-VT	Timber Management Plan, Green Mountain National Forest, Vermont	B
F-AFS-J65045-MT	Big Hole Planning Unit, Lolo National Forest, Sanders County, Montana	I
F-REA-D08001-MD	230kv Transmission Line, Chalk Point to Lexington Park, Maryinad (USDA-REA-MD).	
F-SCS-G36052-OK	Kickapoo Nations Watershed, Oklahoma and Lincoln Counties, Oklahoma.	G
F-SCS-G36059-TX	Tehuacana Creek Watershed, McLennan, Hill and Limestone Counties, Texas.	G

APPENDIX IV.—*Final Environmental Impact Statements Which Were Reviewed and Not Commented on Between Jan. 1, 1978 and Jan. 31, 1978*—Continued

Identifying No.	Title	Source of review
DEPARTMENT OF DEFENSE		
F-USA-J10002-00	Transportation of Chemical Material, Operation RMT, Rocky Mountain Arsenal, Colorado to Tooele Army Depot, South Area, Utah.	I
DEPARTMENT OF INTERIOR		
F-BOR-D61006-MD	Seneca State Park, Land Acquisition, Montgomery County, Maryland	D
DEPARTMENT OF TRANSPORTATION		
F-FAA-C51002-NY	Runway 34 Improvements, Westchester County Airport, Newport, New York.	C
F-FHW-H40068-NB	Benkelman East, FAS Route 1270, Dundy County, Nebraska	H
F-FHW-L40016-AK	Taylor Highway, Tetlin Junction to Canadian Border, Alaska (FHWA-AK-EIS-77-01-F).	
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT		
F-HUD-B89008-MA	Kendall Square Urban Renewal Project, Cambridge, Middlesex County, Massachusetts (HUD-RO1-EIS-77-01-F).	B
F-HUD-E28026-AL	Boykin Water System and Road Improvement, Wilcox County, Alabama	E
F-HUD-G85031-TX	Big Country Subdivision, Bexar County, Texas	G
F-HUD-G85054-TX	Riveria East Subdivision, Harris County, Texas	G
F-HUD-G85057-TX	Camden Park Subdivision, Harris County, Texas	G
F-HUD-G85059-TX	Greensbrook and Kings Lake Forest Subdivision, Harris County, Texas	G
F-HUD-L85003-WA	Proposed Plat, Megan Heights, Kitsap County, Washington	K
DEPARTMENT OF LABOR		
RF-OSH-A99130-00	Standard For Occupational Exposure, Cotton Dust	A

APPENDIX V.—*Regulations, Legislation and Other Federal Agency Actions for Which Comments Were Issued Between Jan. 1. 1978 and Jan. 31, 1978*

Identifying No.	Title	General nature of comments	Source for copies of comments
DEPARTMENT OF INTERIOR			
R-IGS-A00117-00	30, CFR Part 211, Coal Mining Operating Regulations, Mining on Federal Lands.	EPA suggested the inclusion of several environmental safe guards relating to the proposed rulemaking. EPA specifically requested the opportunity to review assessments on modification requests of existing cooperative agreements for States electing to continue certain regulatory operations in Federal mineral lands.	A
A-SFW-A90032-00	Classification of Wetlands and Deep Water Habitats of the United States, Notices (42 FR 62432).	EPA considered the proposed classification system to be a useful convention for its primary purposes, mapping and inventorying the wetlands and deep-water habitats of the Nation.	A

APPENDIX VI.—SOURCE FOR COPIES OF EPA COMMENTS

A. Public Information Reference Unit (PM-213), Environmental Protection Agency, Room 2922, Waterside Mall, SW, Washington, D.C. 20460.

B. Director of Public Affairs, Region 1, Environmental Protection Agency, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

C. Director of Public Affairs, Region 2, Environmental Protection Agency, 26 Federal Plaza, New York, New York 10007.

D. Director of Public Affairs, Region 3, Environmental Protection Agency, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106.

E. Director of Public Affairs, Region 4, Environmental Protection Agency, 345 Courtland Street, NE, Atlanta, Georgia 30308.

F. Director of Public Affairs, Region 5, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

G. Director of Public Affairs, Region 6, Environmental Protection Agency, 1201 Elm Street, Dallas, Texas 75270.

H. Director of Public Affairs, Region 7, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, Missouri 64108.

I. Director of Public Affairs, Region 8, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80203.

J. Office of External Affairs, Region 9, Enviromental Protection Agency, 213 Fremont Street, San Francisco, California 94108.

K. Director of Public Affairs, Region, 10, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

[FR Doc. 79-4553 Filed 2-9-79; 8:45 am]

[6820-12-M]

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Limited Authorization to Executive Director To Sign Orders Disposing of Motions

AGENCY: Federal Mine Safety and Health Review Commission.

ACTION: Announcement of limited authorization to Executive Director to sign Commission orders disposing of motions.

SUMMARY: The Federal Mine Safety and Health Review Commission announces a limited authorization to its Executive Director to sign Commission orders disposing of motions after he has ascertained, orally or in writing, the votes of each participating Commissioner.

DATES: The delegation is effective February 12, 1979.

FOR FURTHER INFORMATION CONTACT:

Donald Terry, Executive Director, Federal Mine Safety and Health Review Commission, 1730 K Street, NW., Washington, D.C. 20006; (202) 653-5644.

SUPPLEMENTARY INFORMATION: The limited authorization attached to this announcement authorizes the Executive Director of the Commission to sign on its behalf, orders disposing of motions. The authorization does *not* delegate to the Executive Director the authority to rule on motions; this authority remains with the Commission. The Commission expects to codify this authorization in its procedural rules.

Dated: February 6, 1979.

JEROME R. WALDIE,
Chairman.

LIMITED AUTHORIZATION AND DIRECTION FOR THE EXECUTIVE DIRECTOR

The Federal Mine Safety and Health Review Commission authorizes its Executive Director to sign, on its behalf, orders of the Commission disposing of motions. The Executive Director shall ascertain either orally or in writing the vote of each participating Commissioner. His signature on a Commission order is a certification that a quorum of Commissioners has participated in the matter, and that a majority of the participating Commissioners voted to dispose of the motion in the manner indicated by the order. The Executive Director shall note on the order dissenting votes if requested to do so by the dissenting Commissioner. A person aggrieved by an order signed by the Executive Director may move within 10 days of the date of the order that the order be signed or initialed by the participating Commissioners.

This authorization extends to action on the following motions: motions for extensions of time; motions for permission to file briefs in excess of page limits; motions to accept late filed briefs; motions to consolidate; motions to expedite proceedings; and motions for oral argument.

JEROME R. WALDIE,
Chairman.

RICHARD V. BACKLEY,
Commissioner.

FRANK F. JESTRAB,
Commissioner.

A. E. LAWSON,
Commissioner.

MARIAN PEARLMAN NEASE,
Commissioner.

[FR Doc. 79-4569 filed 2-9-79; 8:45 am]

[6210-01-M]

FEDERAL RESERVE SYSTEM

BANK HOLDING COMPANIES

Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. section 1843(c)(8)) and 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than March 7, 1979.

A. *Federal Reserve Bank of New York*, 33 Liberty Street, New York, New York 10045:

1. BANKERS TRUST NEW YORK CORPORATION, New York, New York (trust company and investment advisory activities; Florida): to engage, through its subsidiary, Bankers Trust Company of Florida, in activities that may be carried on by a trust company, including activities of a fiduciary, investment advisory, agency, or custodian nature. These activities would be conducted from an office in Palm Beach, Florida, and the geographic area to be served is Palm Beach County, Florida.

2. CITICORP, New York, New York (commercial lending and leasing activities; California, Colorado, Hawaii, Idaho, Kansas, Nevada, Oregon, Utah, Washington): to engage, through its subsidiary, Citicorp (USA), Inc., in commercial lending activities for its own account (with the intention that Citibank, N.A., Citibank (New York State), N.A., and other commercial banks may participate in the loans); and leasing personal or real property or acting as agent, broker, or advisor in leasing such property in accordance with the Board's Regulation Y. These activities would be conducted from an office in San Francisco, California, and the geographic areas to be served encompass 27 counties in California, six counties in Washington and six in Oregon, Boise and Lewis Counties, Idaho, Humboldt County, Nevada, Wichita County, Kansas, Denver County, Colorado, Salt Lake County, Utah, and Honolulu County, Hawaii.

B. *Federal Reserve Bank of Philadelphia*, 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. FIRST PENNSYLVANIA CORPORATION, Philadelphia, Pennsylvania (industrial banking, financing, and insurance activities; Colorado): to engage, through its subsidiary, East Continental Industrial Bank, in operating an industrial bank as authorized

by Colorado law, including the acceptance of time and savings deposits; making, acquiring and servicing loans and other extensions of credit; and selling life, accident and health, and property damage and liability insurance directly related to its extensions of credit. These activities would be conducted from an office in Aurora, Colorado, and the geographic area to be served in southeast Aurora, Colorado. This application is for the relocation of an office within the same city.

2. PHILADELPHIA NATIONAL CORPORATION, Philadelphia, Pennsylvania (investment advisory activities; national, international): to engage, through its subsidiaries, Charter Atlantic Corporation and Fischer, Francis, Trees & Watts, Inc., in providing investment advisory and investment management services for portfolios of fixed-income securities of domestic and foreign customers wherever located. These activities would be conducted from an office in New York, New York.

C. *Federal Reserve Bank of Atlanta*, 104 Marietta Street, N.W., Atlanta, Georgia 30303:

DEPOSIT GUARANTY CORP., Jackson, Mississippi (mortgage financing and insurance activites; Mississippi): to engage, through its subsidiary, Deposit Guaranty Mortgage Company, in making or acquiring loans and other extensions of credit; and selling and participating in the proceeds of the sale of life (mortgage cancellation) and accident and health insurance directly related to its extensions of credit. These activities would be conducted from offices in Natchez, Greenwood, and Laurel, Mississippi, and the geographic areas to be served are the Natchez, Greenwood, and Laurel, Mississippi metropolitan areas.

D. *Federal Reserve Bank of Chicago*, 230 South LaSalle Street, Chicago, Illinois 60690:

FIRST CHICAGO CORPORATION, Chicago, Illinois (mortgage banking activities; District of Columbia, Maryland, Texas, Virginia): to engage, through its subsidiary, First Chicago Realty Services Corporation, in making, acquiring, and servicing loans and other extensions of credit secured by real estate mortgages. These activities would be conducted from offices in Houston, Texas, and Washington, D.C., and the geographic areas to be served are Texas and the Washington, D.C. metropolitan area.

E. *Federal Reserve Bank of Kansas City*, 925 Grand Avenue, Kansas City, Missouri 64198:

1. MIDLAND CAPITAL CO., Oklahoma City, Oklahoma (mortgage banking activities; California): to engage, through its subsidiary, Midland Mortgage Co., in mortgage banking, including origination and servicing of all types of residential and commercial mortgage loans. These activities would be conducted from an office in La Palma, California, and the geographic areas to be served are the Long Beach, Downey, Cerritos, and La Habra, California areas.

2. NEW MEXICO BANCORPORATION, INC., Santa Fe, New Mexico (insurance activities; New Mexico): to act as agent or broker for the sale of life, accident and health, and property and casualty insurance directly related to extensions of credit by it or its subsidiary banks, and acting as agent or broker in the sale of any insurance for its subsidiary banks. These activities would be conducted from the main offices of Applicant's subsidiary banks in Santa Fe, Albuquerque, and Taos, New Mexico, and the geographic areas to be served are New Mexico (extensions of credit by Applicant), 16 counties of northern and central New Mexico (extensions of credit by subsidiary banks), and Santa Fe, Bernallillo, and Taos Counties, New Mexico (insurance for subsidiary banks).

F. *Other Federal Reserve Banks: None.*

Board of Governors of the Federal Reserve System, February 6, 1979.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 79-4617 Filed 2-9-79; 8:45 am]

[6210-01-M]

HIGH PLAINS BANCORPORATION, INC.

Formation of Bank Holding Company

High Plains Bancorporation, Inc., Forgan, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 90.25 per cent of the voting shares of The First State Bank, Forgan, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 2, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 5, 1979.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 79-4618 Filed 2-9-79; 8:45 am]

[6210-01-M]

PARK RAPIDS BANCSHARES, INC.

Formation of Bank Holding Company

Park Rapids Bancshares, Inc., Park Rapids, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 82.67 per cent of the voting shares of Citizens National Bank of Park Rapids, Park Rapids, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 27, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 31, 1979.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 79-4619 Filed 2-9-79; 8:45 am]

[6210-01-M]

SOCIETY CORP.

Acquisition of Bank Holding Company

Society Corporation, Cleveland, Ohio, has applied for the Board's approval under section 3(a)(5) of the Bank Holding Company Act (12 U.S.C. 1842(a)(5)) to acquire Harter BanCorp, Canton, Ohio. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Society Corporation, Cleveland, Ohio, is also indirectly engaged in the nonbank activities of leasing personal property and providing credit life insurance directly related to extensions of credit. In addition to the factors considered under section 3 of the Act (banking factors), the Board will consider the proposal in the light of the company's non-banking activities and the provisions and prohibitions in section 4 of the Act (12 U.S.C. 1843).

The application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 6, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 6, 1979.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc 79-4620 Filed 2-9-79; 8:45 am]

[6210-01-M]

SWANVILLE BANCSHARES, INC.

Formation of Bank Holding Company

Swanville Bancshares, Inc., Swanville, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 91.82 per cent of the voting shares of First State Bank of Swanville, Swanville, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 2, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 5, 1979.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 79-4621 Filed 2-9-79; 8:45 am]

[4110-87-M]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control

PERMISSIBLE LIMITS FOR LIFTING LOADS IN INDUSTRY

Open Meeting

The following meeting will be convened by the National Institute for Occupational Safety and Health of the Center for Disease Control and will be open to the public for observation and participation, limited only by the space available:

Date: February 22, 1979.

Time: 10 a.m. to 4:30 p.m.

Place: Room 160, Robert A. Taft Laboratories, 4676 Columbia Parkway, Cincinnati, Ohio 45226.

Purpose: To discuss the details of planned contract research concerned with establishing permissible limits for one-handed manipulation of loads.

Additional information may be obtained from:

Dr. Donald W. Badger, Division of Biomedical and Behavioral Science, National Institute for Occupational Safety and Health, 4676 Columbia Parkway, Cincinnati, Ohio 45226, Telephone: 513-684-8469.

Dated: February 5, 1979.

WILLIAM B. FOEGE,
Director, Center for Disease Control.

[FR Doc. 79-4595 Filed 2-9-79; 8:45 am]

[OS 4110-12-M]

Office of the Secretary

FAMILY POLICY TASK FORCE OF THE SECRETARY'S ADVISORY COMMITTEE ON THE RIGHT AND RESPONSIBILITIES OF WOMEN

Meeting Cancellation

This notice is to cancel the Family Policy Task Force meeting of the Secretary's Advisory Committee on the Rights and Responsibilities of Women on Wednesday, February 14, 1979, from 2:00 to 6:00 P.M., as listed in the January 31 FEDERAL REGISTER, page 6208. It will be rescheduled at a later date.

Dated: February 6, 1979.

SUSAN C. LUBICK,
Executive Secretary, Secretary's Advisory Committee on the Rights and Responsibilities of Women.

[FR Doc. 79-4573 Filed 2-9-79; 8:45]

[4310-10-M]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

OFFICE OF THE SECRETARY PROCUREMENT ACTIONS

Requirement for Legal Review

Notice is hereby given that, pursuant to Interior Procurement Regulations 41 CFR 14-1.352, the following policy and procedures for legal review of Office of the Secretary procurement related documents is established:

As used herein, the term "legal review" means review of pertinent procurement documents for legal sufficiency by the Office of the Solicitor.

Legal review shall be requested a sufficient time in advance of taking the action indicated. five working days is established as the normal time for legal review in addition to the time required for the transmittal of documents. However, this time may be increased or decreased by agreement of the appropriate attorney and contracting officer, depending upon the urgency or the complexity of the particular case.

Legal review shall be requested prior to issuance of solicitations (Invitations for Bids and Requests for Proposals) and resulting contracts for the procurement of supplies or services estimated to cost in excess of the amounts set forth below:

a. Formally advertised procurements (including small business restricted advertised procurements) and modifications to resulting contracts in excess of $50,000.

b. Negotiated procurements (including those negotiated under section 8(a) of the Small Business Act) in excess of $25,000, and modifications to resulting contracts in excess of $25,000.

c. Procurments of amounts less than those stated in a and b above when the Contracting Officer considers legal review to be desirable.

Legal review shall be requested of pertinent documents in the following circumstances:

a. When there are apparent or suspected irregularities in precontract documents such as bids, proposals, or bonds; or when there are any unusual circumstances which might affect the legality of the proposed action.

b. Prior to acceptance of a novation or change of name agreement, or of a notice of assignment, an assignment, or a release of assignment, pursuant to the Assignment of Claims Act of 1940, as amended.

c. Prior to release of any communications or contracting officer's report relative to a protest, or an alleged mistake in bid, or a determination of bidder nonresponsibility.

d. Prior to execution of findings of fact and final decisions, made pursuant to the Disputes clause, notices of termination, cure notices, show cause letters, suspension orders, or other documents which may have special legal effect.

Employees of the Office of administrative Services are encouraged to seek the advise of the Solicitor's Office on other procurement related matters.

For additional information contact Gregory D. Rothwell, Chief, Branch of Procurement Management, Office of Administrative Services, Department of the Interior, Washington, D.C. 20240. Telephone: 202-343-2105.

LARRY E. MEIEROTTO,
Deputy Assistant Secretary of the Interior.

FEBRUARY 5, 1979.

[FR Doc. 79-4599 Filed 2-9-79; 8:45 am]

[7590-01-M]

NUCLEAR REGULATORY COMMISSION

[Docket No. 70-364]

BABCOCK AND WILCOX CO., NUCLEAR MATERIALS DIVISION, PLUTONIUM PLANT—PARKS TOWNSHIP SITE

Negative Declaration

The Nuclear Regulatory Commission (the Commission) has renewed Materials License No. SNM-414 for the Babcock and Wilcox Company, Nuclear Materials Division, Plutonium Plant located on the Parks Township Site near Leechburg, Pennsylvania. The license renewal authorizes continued operation of plutonium fuel fabrication activities.

The Commission's Division of Fuel Cycle and Material Safety prepared an environmental impact appraisal for the license renewal. On the basis of this appraisal, the staff concluded that an environmental impact statement for this particular license renewal was not warranted because there will be no significant environmental impact attributable to the licensing action. The environmental impact appraisal is available for public inspection and copying at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. 20555, and at the Local Public Document Room established at Apollo Memorial Library, 219 North Pennsylvania Avenue, Apollo, Pennsylvania 15613.

Dated at Silver Spring, Md., this 2nd day of February 1979.

For the Nuclear Regulatory Commission.

LELAND C. ROUSE,
Acting Chief, Fuel Reprocessing and Recycle Branch, Division of Fuel Cycle and Material Safety.

[FR Doc. 79-4590 Filed 2-9-79; 8:45 am]

[7590-01-M]

[NUREG-75/087]

REVISION TO THE STANDARD REVIEW PLAN

Issuance and Availability

As a continuation of the updating program for the Standard Review Plan (SRP) previously announced (FEDERAL REGISTER notice dated December 8, 1977, 42 FR 62052), the Nuclear Regulatory Commission's (NRC's) Office of Nuclear Reactor Regulation has published Revision No. 1 to Section Nos. 17.1, "Quality Assurance During the Design and Construction Phases" and 17.2, "Quality Assurance During the Operations Phase" of the SRP for the NRC staff's safety review of applications to build and operate light-water-cooled nuclear power reactors. The purpose of the plan is to improve both the quality and uniformity of the NRC staff's review of applications to build new nuclear power plants, and to make information about regulatory matters widely available, including the improvement of communication and understanding of the staff review process by interested members of the public and the nuclear power industry. The purpose of the updating program is to revise sections of the SRP for which changes in the review plan have been developed since the original issuance in September 1975 to reflect current practice.

Copies of the Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants, which has been identified as NUREG-75/087, are available from the National Technical Information Service, Springfield, Virginia 22161. The domestic price is $70.00, including first-year supplements. Annual subscriptions for supplements alone are $30.00. Individual sections are available at current prices. The domestic price for Revision No. 1 to §§ 17.1 or 17.2 is $4.00. Foreign price information is available from NTIS. A copy of the Standard Review Plan, including all revisions published to date is available for public inspection at the NRC's Public Document Room at 1717 H Street, N.W., Washington, D.C. 20555 (5 U.S.C. 552(a)).

Dated at Bethesda this 2nd day of February, 1979.

For the U.S. Nuclear Regulatory Commission.

ROGER S. BOYD,
Director, Division of Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 79-4593 Filed 2-9-79; 8:45 am]

[7590-01-M]

[NUREG-75/087]

REVISION TO THE STANDARD REVIEW PLAN

Issuance and Availability

As a continuation of the updating program for the Standard Review Plan (SRP) previously announced (FEDERAL REGISTER notice dated December 8, 1977 42 FR 62052), the Nuclear Regulatory Commission's (NRC's) Office of Nuclear Reactor Regulation has published Revision No. 3 to Section No. 6.2.1.1.C (Pressure-Suppression Type BWR Containments) of the SRP for the NRC staff's safety review of applications to build and operate light-water-cooled nuclear power reactors. The purpose of the plan, which is composed of 224 sections, is to improve both the quality and uniformity of the NRC staff's review of applications to build new nuclear power plants, and to make information about regulatory matters widely available, including the improvement of communication and understanding of the staff review process by interested members of the public and the nuclear power industry. The purpose of the updating program is to revise sections of the SRP for which changes in the review plan have been developed since the original issuance in September 1975 to reflect current practice.

Copies of the Standard Review Plan for the Review of Safety Analysis reports for Nuclear Power Plants, which has been identified as NUREG-75/087, are available from the National Technical Information Service, Springfield, Virginia 22161. The domestic price is $70.00, including first-year supplements. Annual subscriptions for supplements alone are $30.00. Individual sections are available at current prices. The domestic price for Revision No. 3 to Section No. 6.2.1.1.C is $4.00. Foreign price information is available from NTIS. A copy of the Standard Review Plan including all revisions published to date is available for public inspection at the NRC's Public Document Room at 1717 H Street, N.W., Washington, D.C. 20555 (5 U.S.C. 552 (a)).

Dated at Bethesda this 1st day of February, 1979.

For the U.S. Nuclear Regulatory Commission.

R. J. MATTSON,
Director, Division of Systems Safety, Office of Nuclear Reactor Regulation.

[FR Doc 79-4594 Filed 2-9-79; 8:45 am]

[7590-01-M]

[Docket No. 50-244]

ROCHESTER GAS AND ELECTRIC CORP.

Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 23 to Provisional Operating License No. DPR-18 issued to Rochester Gas and Electric Corporation which revised the Technical Specifications for operation of the R. E. Ginna Plant located in Wayne County, New York. The amendment is effective as of the date of issuance.

The amendment modifies the Appendix A Technical Specifications to allow a change in the sampling frequency for secondary coolant, and to reduce the limit on iodine activity in the secondary coolant.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated April 30, 1976, (2) Amendment No. 23 to License No. DPR-18, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Rochester Public Library, 115 South Avenue, Rochester, New York 14627. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 30th day of January, 1979.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc. 79-4592 Filed 2-9-79; 8:45 am]

[3110-01-M]

OFFICE OF MANAGEMENT AND BUDGET

AGENCY FORMS UNDER REVIEW

BACKGROUND

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Federal Reports Act (44 USC, Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

LIST OF FORMS UNDER REVIEW

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, or extensions. Each entry contains the following information:

The name and telephone number of the agency clearance officer;

The office of the agency issuing this form;

The title of the form;

The Agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

An estimate of the number of forms that will be filled out;

An estimate of the total number of hours needed to fill out the form; and

The name and telephone number of the person or office responsible for OMB review.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. In addition, most repetitive reporting requirements or forms that require one half hour or less to complete and a total of 20,000 hours or less annually will be approved ten business days after this notice is published unless specific issues are raised; such forms are identified in the list by an asterisk(*).

COMMENTS AND QUESTIONS

Copies of the proposed forms may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

The timing an format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Stanley E. Morris, Deputy Associate Director for Regulatory Policy and Reports Management, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

Department of Agriculture

(AGENCY CLEARANCE OFFICER—DONALD W. BARROWMAN—447-6202)

NEW FORMS

ECONOMICS, STATISTICS, AND COOPERATIVES SERVICE
CO-OP TRUCK COORDINATION STUDY
SINGLE TIME
FARMER COOPERATIVES
125 RESPONSES; 62 HOURS
OFFICE OF FEDERAL STATISTICAL POLICY & STANDARD, 673-7977

ECONOMICS, STATISTICS, AND COOPERATIVES SERVICE
COOPERATIVE RAIL TRANSPORTATION STUDY
SINGLE TIME
FARMER COOPERATIVES IN 5 STATES
950 RESPONSES; 475 HOURS
OFFICE OF FEDERAL STATISTICAL POLICY AND STANDARD, 673-7977

FOOD AND NUTRITION SERVICE
CONVERSION REVIEW
FNS 132 & 133
MONTHLY
STATE AGENCIES
324 RESPONSES; 112,362 HOURS
ELLETT, C. A., 395-5080

FOOD AND NUTRITION SERVICE
ADMINISTRATIVE REVIEW REPORT-SCHOOLS AND INSTITUTIONS
FNS-168
ON OCCASION
SCHOOLS AND INSTITUTIONS
2,178 RESPONSES; 3,267 HOURS
ELLETT, C. A., 395-5080

Department of Commerce

(AGENCY CLEARANCE OFFICER—EDWARD MICHAELS—377-4217)

NEW FORMS

*BUREAU OF THE CENSUS
RUBBER AND PLASTICS HOSE AND BELTING (PRODUCTION AND SHIPMENTS)
MA-30B
ANNUALLY
RUBBER AND PLASTICS HOSE MANUFACTURERS
150 RESPONSES; 75 HOURS
CAYWOOD, D. P., 395-6140

NATIONAL BUREAU OF STANDARDS
STANDARD ECONOMIC REFERENCE DATA SYSTEM USER QUESTIONNAIRE
NBS-1111A & 1111B
SINGLE TIME
BUS., GOV., & ACADEMIC PER. WHO ARE MEMBERS OF PROF. ASSOC.
2,000 RESPONSES; 1,000 HOURS
CAYWOOD, D. P., 395-6140

Department of Defense

(AGENCY CLEARANCE OFFICER—JOHN V. WENDEROTH—697-1195)

REVISIONS

DEPARTMENTAL AND OTHER
DOD INDUSTRIAL PLANT EQUIPMENT REQUISITION
DD 1419
ON OCCASION
DOD COMPONENTS & DOD CONTRACTORS
9,000 RESPONSES; 9,000 HOURS
CAYWOOD, D. P., 395-6140

EXTENSIONS

*DEPARTMENT OF THE AIR FORCE
TURBINE WHEEL HISTORICAL RECORD
AFTO 44
ON OCCASION
AF DEPOT CONTRACTOR
6,000 RESPONSES; 2,000 HOURS
CAYWOOD, D. P., 395-6140

Department of Energy

(AGENCY CLEARANCE OFFICER—ALBERT H. LINDEN—566-9021)

EXTENSIONS

COMPLAINTANT'S REPORT
ERA-140
ON OCCASION
ANY PER. OR FIRM WHICH BEL. ACT. OF ANOTHER ARE NOT IN COMP. W/PET.
7,500 RESPONSES; 7,500 HOURS
HULL, JEFFERSON B., 395-5867

Department of Health, Education, and Welfare

(AGENCY CLEARANCE OFFICER—PETER GNESS—245-6478)

EXTENSIONS

*HEALTH SERVICES ADMINISTRATION
MIGRANT HOSPITALIZATION PROGRAM REFERRAL FORM
HSA-50
ON OCCASION
CLIENTS OF MIGRANT HEALTH CENTERS NEEDING HOSPITALIZATION
3,000 RESPONSES 480 HOURS
EISINGER, RICHARD 395-3214

Department of Housing and Urban Development

(AGENCY CLEARANCE OFFICER—JOHN KALAGHER—755-5184)

EXTENSIONS

HOUSING MANAGEMENT
REPORT ON FAMILY CHARACTERISTICS FOR THE SECTION 8 HOUSING ASSISTANCE PAYMENTS
HUD 52675
SEMI-ANNUALLY
PHA'S OPERATING SECTION EXISTING PROJECTS
2,800 RESPONSES; 4,200 HOURS
STRASSER, A., 395-5080

HOUSING PRODUCTION AND MORTGAGE CREDIT
SCHEDULE OF LAND DEVELOPMENT LOTS—TITLE X
FHA-3554
ON OCCASION MORTGAGE INSURANCE FOR LAND DEVELOPMENT
30 RESPONSES; 30 HOURS
STRASSER, A, 395-5080

Department of Labor

(AGENCY CLEARANCE OFFICER—PHILIP M. OLIVER—523-6341)

NEW FORMS

EMPLOYMENT AND TRAINING ADMINISTRATION
CONTINUOUS WAGE AND BENEFIT HISTORY (CWBH) EVALUATION
ETA-18A
SINGLE TIME
UNEMPLOYMENT INSURANCE CLAIMANTS
3,000 RESPONSES; 750 HOURS
STRASSER, A. 395-50-80

REVISIONS

*EMPLOYMENT STANDARDS ADMINISTRATION
APPLICATION FOR A FARM LABOR CONTRACTOR CERTIFICATE
OF REGISTRATION
WH-410
ANNUALLY
AGRICULTURAL WORKERS
13,000 RESPONSES; 6,500 HOURS
STRASSER, A., 395-5080

Environmental Protection Agency

(AGENCY CLEARANCE OFFICER—JOHN J. STANTON—245-3064)

NEW FORMS

*EPA ASBESTOS SURVEY REPORT (SURVEY OF ACTIVITIES TO CONTROL SPRAYED ASBESTOS-CONTAINING MATERIALS IN SCHOOL BUILDINGS)
ON OCCASION
SCHOOL DISTRICT SUP'TS
11,000 RESPONSES; 5,500 HOURS
CLARKE, EDWARD H. 395-5867

Executive Office of the President, Other

(AGENCY CLEARANCE OFFICER—ROY NIERENBERG—456-6570)

REVISION

COUNCIL ON WAGE AND PRICE STABILITY
6 CFR PART 706—VOLUNTARY PAY AND PRICE STANDARDS
ON OCCASION
BUSINESS FIRMS (NON-FARM)
1,350 RESPONSES; 66,250 HOURS
STRASSER, A., 395-5080

U.S. Commission on Civil Rights

(AGENCY CLEARANCE OFFICER—RUTH M. FORD—254-6274)

NEW FORMS

LETTER REQUESTING EMPLOYMENT INFORMATION
SINGLE TIME
BANKS, HOSPITALS, COLLEGES, AND UNIVERSITIES
64 RESPONSES; 32 HOURS
COLLINS, L. V. 395-3214

Veterans Administration

(AGENCY CLEARANCE OFFICER—R. C. WHITT—389-2282)

REVISIONS

CLAIM FOR DISABILITY INSURANCE BENEFITS
29-357
ON OCCASION
INSURED VETERANS
25,000 RESPONSES; 43,750 HOURS
CAYWOOD, D.P. 395-6140

STANLEY E. MORRIS,
Deputy Associate Director for Regulatory Policy and Reports Management.

[FR Doc. 79-4436 Filed 2-9-79; 8:45 am]

[3170-01-M]

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

SCIENCE, TECHNOLOGY AND DEVELOPMENT ADVISORY COMMITTEE

Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92-463, the Office of Science and Technology Policy announces the following meeting:

NAME: Science, Technology and Development Advisory Committee.

DATE: February 26 and 27, 1979.

TIME: 9:00 a.m. to 5:00 p.m.

PLACE: Room 2008, New Executive Office Building, 726 Jackson Place, N.W. Washington, D.C.

CONTACT PERSON: Mr. William J. Montgomery, Executive Officer, Office of Science and Technology Policy, 17th & Pennsylvania Ave. N.W., Washington, D.C. 20500 (telephone: 202/395-4692). Anyone who plans to attend the meeting should contact Mr. Montgomery by February 22, 1979.

SUMMARY MINUTES: May be obtained from Mr. William J. Montgomery at the address listed above.

PURPOSE OF ADVISORY COMMITTEE: In March 1978, the President decided to create a Foundation for International Technological Cooperation in the reorganized foreign aid structure. To develop detailed plans for the Foundation, a Planning Office has been established reporting to Governor Gilligan, Chairman of the Development Coordination Committee. OSTP has been instrumental in developing the concept of the Foundation and the Planning Office; the Advisory Committee being established will advise the Director of OSTP on the concept and early planning of the Foundation, as well as on related policy issues and programs of the U.S. Government.

TENTATIVE AGENDA:

MONDAY, FEBRUARY 26

0930-1200 Report on Current Status of FITC.
1200-1330 Lunch.
1330-1700 Discussion of Bill to Create FITC.
1700 Adjourn.

TUESDAY, FEBRUARY 27

0900 Discussion of Draft Items.
1700 Adjourn.

WILLIAM J. MONTGOMERY,
Executive Officer.

[FR Doc. 79-4673 Filed 2-9-79; 8:45 am]

[8025-01-M]

SMALL BUSINESS ADMINISTRATION

[License No. 04/04-5144]

COTTON BELT INVESTMENT CORP.

Issuance of License to Operate as a Small Business Investment Company

On August 29, 1978, a notice was published in the FEDERAL REGISTER (43 FR 38654), stating that Cotton Belt Investment Corporation, located at 4542 Memorial Drive, Decatur, Georgia 30032, had filed an application with the Small Business Administration (SBA), pursuant to 13 CFR 107.102 (1978); for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended.

Interested parties were given until close of business September 13, 1978, to submit their comments to SBA. No comments were received.

Notice is hereby given that having considered the application and all other pertinent information, SBA issued License No. 04/04-5155 to Cotton Belt Investment Corporation on January 17, 1979, to operate as a small business investment company, pursuant to Section 301(d) of the Act.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: February 2, 1979.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc. 79-4577 Filed 2-9-79; 8:45 am]

[8025-01-M]

FINAL REPORT ON IMPROVING GOVERNMENT REGULATIONS AND AGENDA OF REGULATIONS SCHEDULED FOR REVIEW OR DEVELOPMENT, JANUARY-JULY 1979

AGENCY: Small Business Administration.

ACTION: Final Report on SBA Procedures; Semiannual Regulations Agenda.

SUMMARY: The Small Business Administration is issuing this final report on its procedures to implement Executive Order No. 12044 of March 23, 1978 (43 FR 12661). The procedures provide for developing SBA regulations; analyzing alternatives and cost and benefit impacts; revising and improving existing regulations to increase their clarity and effectiveness and reduce their burden; and increasing public participation in regulations development.

This document also lists SBA regulations that are scheduled for review or development during the six-month period January 31, 1979, through July 31, 1979. This should increase public awareness of the Agency's regulatory activity and result in more effective public participation.

EFFECTIVE DATE: January 31, 1979.

FOR FURTHER INFORMATION CONTACT:

George M. Grant, Jr., Associate General Counsel, 202-653-6662, 1441 L Street, N.W., Washington, D.C. 20416.

SUPPLEMENTARY INFORMATION: The President in issuing Executive Order No. 12044 emphasized its importance to ensure that Government regulations are written clearly in plain English; are developed through a process having early and broad public involvement; and are reviewed by agency heads to see that feasible alternatives have been carefully examined and regulatory burdens reduced to the maximum extent possible. Additionally, agencies are to comprehensively examine existing agency regulations to revise and reform them to make them clearer, more cost-effective and less burdensome.

On May 25, 1978, the Small Business Administration published for public comments (43 FR 22605) our plans for implementing Executive Order 12044. We requested that comments be submitted by July 30, 1978. Two comments were received. One suggested a 60 day public comment period on all SBA rules. The other expressed concern regarding possible additional delays and complexities in SBA regulations issuance.

This SBA procedure generally provides a 60 day comment period on proposed significant SBA rules and rule changes. However, SBA believes it is adequate to allow a lesser time period for public comments regarding nonsignificant rulemaking proposals.

A number of changes have been made in the SBA procedure to allow more expedited and efficient coordination. There is no longer a general requirement for SBA formal working groups in regulations development, though these may be utilized when deemed appropriate. The Office of the Associate General Counsel for Legislation would serve as the administrative office facilitating compliance with the Executive Order and SBA implementing procedures. The program office responsible for developing the regulation would work with other interested SBA offices in analyzing and evaluating the regulations proposals and alternatives. SBA believes the procedures will substantially improve the SBA rulemaking process.

The Major Features of the SBA System Under the Executive Order are:

DEVELOPMENT OF SIGNIFICANT REGULATIONS

Before proceeding to the development of a significant SBA regulation or regulation change SBA would prepare a work plan for submittal to the Administrator. The work plan would set forth the need for and the objectives of the regulations proposal, the major issues to be considered and the alternative approaches to be explored.

The purpose of the work plan is to disclose the major issues raised by the regulation proposal. Consideration would be given to related SBA regulations and effects on other SBA programs; small business, competition and major Federal programs and policies would also be considered. Consideration would focus on major issues to be resolved, assignment of responsibilities, coordination to meet requirements for timely and adequate regulations, and plans for public involvement in the development of the regulation.

After approval of the work plan, SBA would draft a proposed regulation. Particular attention would be given to a clear and adequate explanatory preamble to the proposed regulation to be published in the FEDERAL REGISTER.

The proposed regulation would be reviewed to ascertain compliance with the Executive Order, including cost and benefit analysis, plain English writing, optimum selection from among regulatory alternatives, and public participation.

In determining whether a regulation proposal would have major economic consequences so that a formal regulatory analysis is required, consideration would be given to effects on productivity and efficiency, practicable alternatives, direct and indirect compliance costs, administrative costs, and distribution of costs among industries and regions. A formal regulatory analysis would be made if the regulation is likely to impose gross economic costs of $100 million per year on the economy; cause a major increase in costs or prices for individual industries, levels of government or geographic regions; or if the Administrator determines in other cases that a regulatory analysis is appropriate.

Public comment period upon a significant proposed regulation published in the FEDERAL REGISTER would generally be at least 60 days. SBA would also give the public early and meaningful opportunity to participate in the development of the regulation, including possible public hearings, direct distribution of the proposed regulation to interested persons and organizations, and other appropriate means.

After receipt of public comments, the regulation would be reviewed to make any appropriate revisions, and the final regulation would be published with an explanation of how the comments of the public were considered and treated.

SBA minor, routine and technical regulations would be subject to the general policies of the Executive Order and these procedures.

REVIEW OF EXISTING REGULATIONS

Existing SBA regulations would be reviewed to determine whether they are achieving the policy goals of the Executive Order and to follow the same SBA procedures as apply for the development of new regulations.

In selecting existing regulations or portions thereof to be reviewed, SBA would consider—

(1) The nature and extent of complaints received,

(2) The potential for removing or improving burdensome or ineffective requirements,

(3) The need for eliminating conflicts and inconsistencies,

(4) The need for simplification and clarification,

(5) Opportunity for consolidation and better organization of regulations,

(6) Changes since the regulation was issued and the length of time since the regulation was last reviewed.

SBA REGULATIONS AGENDA

SBA will publish in the FEDERAL REGISTER in January and July of each year the SBA Regulations Agenda. The Agenda would list existing SBA regulations being considered for review and possible revocation or revision and would summarize each proposed or final regulation or advance notice of proposed rulemaking which SBA has under development or review. The Agenda would also state whether the regulations are significant or nonsignificant, the need for and legal basis of the action being taken, estimated target dates for completion of steps in the development or review of such regulations, and the status of regulations previously listed on the Agenda. The name and telephone number of a knowledgeable agency official would be provided for each item in the Agenda.

OPPORTUNITY FOR PUBLIC PARTICIPATION

SBA would take effective steps to assure that the public has early and meaningful opportunity to participate in each significant agency regulation development, revision or amendment, including as appropriate advance notices published in the FEDERAL REGISTER, sending notices of such regulations proposal to publications likely to be read by those affected, and wide notifying of interested parties directly. This would include notification to State and local government and to minority media and organizations. Similar notification would also be made of proposed and final regulation issuance. Consideration would be given to hearings to help narrow or clarify issues and provide additional information.

SBA's procedures for implementation of Executive Order 12044 follow.

CHAPTER 1—AUTHORITY AND GENERAL SCOPE

1. AUTHORITY

a. Executive Order 12044 issued March 23, 1978, directing all agencies to adopt procedures to improve existing and future regulations; and the Small Business Act and Small Business Investment Act of 1958.

b. Section 1 of Executive Order 12044 provides that:

"* * * Regulations shall be as simple and clear as possible. They shall achieve legislative goals effectively and efficiently. They shall not impose unnecessary burdens on the economy, on individuals, on public or private organizations, or on State and local governments. To achieve these objectives, regulations shall be developed through a process which ensures that:

(a) The need for and purpose of the regulation are clearly established.

(b) Heads of agencies and policy officials exercise effective oversight.

(c) Opportunity exists for early participation and comment by other Federal agencies, State and local governments, businesses, organizations and individual members of the public.

(d) Meaningful alternatives are considered and analyzed before the regulation is issued; and

(e) Compliance costs, paperwork and other burdens on the public are minimized."

2. SCOPE

In accordance with the provisions of EO 12044, this SOP provides guidelines and procedures for implementation of the Regulations Development and Review (RDR) Program in SBA, which will be administered by the Office of the Associate General Counsel for Legislation.

4. RESPONSIBILITIES

All SBA offices shall assist as required and as set forth throughout this SOP in implementing its procedures. Administrative functions under this SOP of the Office of the Associate General Counsel for Legislation are to:

a. Provide staff support on regulations matters, including the coordination of the staffing, analysis and review of regulation work plans, significant proposed regulations and final regulations.

b. Keep current records on the progress of regulations development by

SBA offices, including all regulations changes in process through their final promulgation, and information on the progress of agency plans to evaluate regulations after their final issuance.

c. Monitor the programs of SBA offices for reviewing and revising their existing regulations.

d. Make reports regarding adherence to schedules by SBA offices and working groups on regulations matters.

e. Develop the material for the SBA Semiannual Agenda of Regulations to be approved by the Administrator and published in the FEDERAL REGISTER pursuant to section 2(a) of Executive Order 12044.

f. Assist SBA offices in regulations writing and in training personnel for regulation writing functions.

g. Maintain SBA rulemaking dockets, including copies of all proposed and final SBA regulations, public comments and agency studies, which dockets shall be available for public inspection.

h. Make recommendations to SBA regulations writing offices regarding resources, priorities and coordination of SBA regulations development, including efficient time periods and procedures.

i. Upon request, provide comments regarding SBA compliance with the purpose and provisions of Executive Order 12044.

j. Maintain liaison with interested offices and organizations concerning SBA regulations process, and possible improvements.

4. OBJECTIVE

SBA, as the agency with primary responsibility for assisting small business, will revise and reform its own procedures and regulations to make them clearer, more cost-effective and less burdensome, so that the purposes of the Executive Order are carried out, and the regulations of this agency will be more useful to small business concerns, Agency personnel and the public.

5. COVERAGE AND INTERPRETATION

a. This SOP applies to SBA regulations published in or amending Title 13 of the code of Federal Regulations, Chapter 1. It shall be applied to SBA regulations which are being developed, amended or revised. However, with respect to proposed regulations which have been published in the FEDERAL REGISTER prior to the effective date of this SOP, its requirements may be waived insofar as permitted by the Executive Order.

b. The provisions of this SOP shall be interpreted in accordance with the purposes of Executive Order 12044, to implement procedures to make SBA regulations more useful to the public and to Agency administering personnel, and to emphasize the important issues and real alternatives in the regulation development process. It is not intended to create delay in the process or provide new grounds for judicial review. It is intended to make SBA regulations clearer, less burdensome and more cost-effective, and to provide greater opportunity for public input into the SBA regulations development process.

c. The procedures in this SOP shall be in addition to the requirements of SOP 00 03 regarding preparation of FEDERAL REGISTER documents.

CHAPTER 2—PROCEDURES FOR DEVELOPMENT OF REGULATIONS

6. DEFINITIONS

a. *"Significant"* SBA regulations and changes to regulations are those which:

(1) Require a Regulatory Analysis (see paragraph 10) or otherwise impose substantial direct or indirect compliance costs.

(2) Concern a matter on which there is substantial public interest or controversy.

(3) Have significant impact on small business, the public, SBA, the Federal Government, or State and local governments; or

(4) Involve important SBA policy.

b. "Nonsignificant" SBA regulations and changes to regulations are those not covered above, for example:

(1) Regulations which reduce the burden on the public through easing of minor Agency requirements.

(2) Editorial changes.

(3) Minor organizational changes involving a title, etc.

PART I—SIGNIFICANT REGULATIONS

7. WORK PLAN—SCOPE

Before proceeding with the development of a significant SBA regulation or change to a regulation a Work Plan shall be prepared for the purpose of disclosing the major issues raised by the proposal for the regulation. The work plan shall be prepared as an SBA Form 606 report and recommendation to the Administrator. The work plan also should note major effects on closely related SBA regulations and on other SBA programs, as well as the immediate issues involved in the regulation proposal.

Other effects on small business, competition and major Federal programs and policies should also be considered in the preparation of the work plan (e.g., community development, efficient coordination of Government programs). Consideration should focus on major issues to be resolved, assignment of responsibilities and coordination to meet requirements for timely and adequate regulations. A work plan may recommend particular policies and procedures for incorporation in the proposed regulations to be developed and may note alternative possible approaches.

8. WORK PLAN—PROCEDURES

The work plan shall be prepared by the appropriate program office with the assistance of the Office of General Counsel and other interested offices. It shall set forth:

a. The need for and the objectives of the regulation proposal

b. The major issues and alternative approaches

c. Minimization of reporting and recordkeeping requirements

d. Plans for public involvement in the development of the regulation. The Chief Counsel for Advocacy shall be consulted regarding the plans for early and meaningful public participation.

e. Plans for coordination with other SBA offices and other agencies.

f. Schedules and target dates

g. Possible issue papers to be prepared

h. Possible need for policy guidance and a regulatory analysis (see paragraph 10). The work plan shall be coordinated with other interested SBA offices and approved by the Associate or Assistant Administrator or Special Assistant to the Administrator having responsibility for the program, and then submitted to the Administrator for approval. Until the work plan is reviewed by the Administrator, development of the regulation shall not proceed.

9. REGULATION DEVELOPMENT

Generally, significant agency regulations shall be developed by the appropriate program office with assistance from the General Counsel's office and the other interested offices. After approval of the work plan, the pertinent offices will develop and draft a proposed regulation or alternative provisions for such regulation and develop any supporting material and analysis. Position papers, circulation of preliminary drafts, meetings and consultations should be utilized if deemed necessary or helpful. Particular attention should be given to a clear and adequate explanatory preamble to the proposed regulation to be published in the FEDERAL REGISTER. The proposed regulation shall be approved by the Associate or Assistant Administrator or Special Assistant to the Administrator having responsibility for the program, as well as by other interested SBA offices, prior to its submittal to the Administrator.

The proposed regulation should comply with the requirements of Section 2(d) of EO 12044, including cost and benefit consideration, plain English writing, optimum selection from

among regulatory alternatives, and public participation. The aspects set forth in Section 2(e) of the Order should be reviewed in relation to the proposed regulation. Consideration should also be given to whether a Regulatory Analysis is appropriate, see paragraph 10 below.

10. REGULATORY ANALYSIS

In determining whether a regulation proposal, revision or amendment would amendment would have major economic consequences so that a formal regulatory analysis under Section 3 of the Executive Order is required or appropriate, consideration will be given to how the costs and benefits of the proposed regulation can be quantified, in dollar terms or otherwise. Related regulations should be viewed together. Effects on productivity and efficiency, effective and practicable alternatives, direct and indirect compliance costs, administrative costs, and distribution of costs among industries and regions will be considered in evaluating whether a regulatory analysis should be made, and the preferable regulatory approach. A regulatory analysis will be made if:

a. The regulation is likely to impose gross economic costs of $100 million per year on the economy,

b. The regulation would cause a major increase in costs or prices for individual industries, levels of government or geographic regions, or

c. The Administrator determines in other cases that a regulatory analysis is appropriate.

Even if a full regulatory analysis is not deemed necessary, to the extent feasible, quantified estimates of costs and burdens will be made to assist policy officials and the Administrator. Consultants may be utilized to make necessary studies if SBA or other Government resources are not available if a regulatory analysis or evaluation is required. Of course, responsible SBA officials must weigh the validity and relevance of such studies and information. Any regulatory analysis will be initially made available in draft form for public comment, and a final regulatory analysis will be prepared and made available to the public when the final regulation is published in the FEDERAL REGISTER. If a regulatory analysis is made, the urban and community impact analysis required by OMB Circular No. A-116 (August 16, 1978) should be incorporated into the economic analysis.

11. OPPORTUNITY FOR PUBLIC PARTICIPATION

SBA shall take effective steps to assure that the public has early and meaningful opportunity to participate in the development and revision of agency regulations, utilizing the FEDERAL REGISTER, publications likely to be read by those affected, wide direct notification of interested parties, including State and local government and minority media and organizations. Consideration should also be given to hearings to help narrow and clarify issues and provide additional information.

The following measures will be taken by this Agency to provide greater opportunity for public participation:

a. Each office shall review and study additional steps which can be taken to notify interested organizations and individuals that a regulation is under development and to seek their advice and reaction. The Chief Counsel for Advocacy will assist in such review and study and will have general responsibility for recommending particular procedures which can be adopted to encourage more public participation in the SBA regulations development process, including consideration of measures which have been utilized by other Federal agencies.

b. When approved by the Administrator a proposal for a significant regulation or regulation change will be published in the FEDERAL REGISTER, generally with a public comment period of at least 60 days. Other appropriate methods of public communications will also be utilized.

c. All final regulations will be published in the FEDERAL REGISTER and public notice will be distributed to interested organizations and media.

d. In connection with allowing State and local government officials, or their representatives, opportunity to participate in the development of any SBA regulations having major intergovernmental significance, the SBA will facilitate the submission of comments by such officials or representatives in accord with the President's Memorandum of March 23, 1978.

e. The Federal Advisory Committee Act applies to advisory committee recommendations to SBA on proposed SBA regulations.

12. FINAL REGULATION

After receipt of public comments, the regulation shall be resubmitted to the appropriate offices for final consideration and drafting and forwarded for approval through interested offices to the Administrator with any appropriate revisions and explanations of how the comments of the public were considered and treated. The final regulation shall be approved by the Associate or Assistant Administrator or Special Assistant to the Administrator having responsibility for the program prior to its submittal to the Administrator. With respect to those regulations which are the primary program responsibility of the General Counsel's Office, the final regulation shall similarly be approved by the General Counsel, prior to its submittal to the Administrator.

PART II—NONSIGNIFICANT REGULATIONS

13. DEVELOPMENT

Minor, routine and technical regulations and regulation changes are also subject to the general policy set forth in Section 1 of Executive Order 12044, as follows:

a. They shall be as simple and clear as possible.

b. They shall achieve legislative goals effectively and efficiently.

c. They shall not impose unnecessary burdens on the economy, individuals, public or private organizations, or State and local governments.

The appropriate program office shall prepare such proposed and final nonsignificant regulations with the assistance of the Office of General Counsel and other interested offices. The Office of the Associate General Counsel for Legislation shall be kept informed of the scope, coordination and progress of all such development of nonsignificant regulations and shall be provided copies of such proposed and final regulations. A clear explanation of the purpose and effect of each such proposed and final regulation shall be published with it in the FEDERAL REGISTER, along with discussion of alternatives considered and response to any public comments received.

In the event any member of the Management Board or the Office of the Associate General Counsel for Legislation has reason to believe that a regulation or regulation change is significant, but is not being so handled under the provisions of this SOP, the matter may be brought before the Deputy Administrator or the Administrator for determination, and if determined to be significant, it shall be treated accordingly under this SOP. Proposed regulations not deemed significant by SBA shall be accompanied by a statement to that effect at the time of their publication in the Federal Register for public comment.

PART III—EMERGENCY REGULATIONS

14. "TEMPORARY" ISSUANCES

In unusual cases, significant regulations or amendments requiring prompt issuance without full compliance with the provisions of this SOP shall be published as "temporary" regulations. Pursuant to Section 6(b)(6) of Executive Order 12044 any such emergency regulation which is not in compliance with the Order shall be published in the FEDERAL REGISTER containing a statement of why it is impracticable or contrary to the public interest to fully comply with the provisions of the

Order, giving the name of the SBA policy official responsible for such determination. As soon as possible after issuance action must be instituted to comply with any procedures omitted from such temporary regulations.

CHAPTER 3—REVIEW OF EXISTING REGULATIONS

15. CRITERIA FOR REVIEW

Section 4 of EO 12044 requires agencies to periodically review their existing regulations to determine whether they are achieving the policy goals of the Order. This review shall follow the same procedural steps outlined for the development of the new regulations.

In selecting regulations to be reviewed, the office having program responsibility shall consider:

a. The nature and extent of the complaints received.

b. The potential for removing or improving burdensome or ineffective requirements.

c. The need for eliminating conflicts and inconsistencies.

d. The need for simplification and clarification.

e. Opportunity for consolidation and better organization of regulations.

f. Changes since the regulation was issued and the length of time since the regulation was last reviewed.

16. PROCEDURE FOR REVIEW

Revisions and changes of existing SBA regulations shall be developed under the requirements set forth for new regulations in the prior chapters of this SOP. Work plans should specify the purpose and scope of particular regulation revision projects.

CHAPTER 4—REPORTING

17. REPORTING REQUIREMENTS

a. Each office shall submit a semiannual Regulations Report to the Office of the Associate General Counsel for Legislation summarizing each proposed or final regulation or advance notice of proposed rulemaking which that office has under development or review. The report shall be submitted to the Office of the Associate General Counsel for Legislation no later than the last working day of June and December each year, and supplemented with a bimonthly updating report not later than the last working day of August, October, February and April. Each report shall describe the regulations being considered, whether they are significant or nonsignificant, the need for and legal basis of the action being taken, estimated target dates for completion of steps in the development of such regulations, and the status of regulations previously listed on the agenda.

The name and telephone number of a knowledgeable agency official shall also be provided for each item in the Report and, if possible, whether a regulatory analysis will be required.

b. Each office shall submit to the Office of the Associate General Counsel for Legislation a list of the existing regulations, or portions thereof, which it is recommending for review and possible revocation or revision together with a brief description of the reasons for such selection. The list of existing regulations being recommended shall be submitted as part of the office's semiannual Regulations Report and bimonthly supplement.

c. In addition to the above information relating to the SBA Regulations Agenda required by the Executive Order to be published in the FEDERAL REGISTER, the Office of the Associate General Counsel for Legislation may request offices to provide reports or appropriate information necessary in the performance of its functions under this SOP.

d. The SBA Regulations Agenda will be approved by the Administrator prior to its publication in the FEDERAL REGISTER. Copies of the SBA Regulations Agenda will be distributed on a regular basis to interested organizations and members of the public. The Agenda will be published in January and July of each year, and supplements may be published at other times if deemed necessary.

Existing Regulations which SBA is considering for initial review and revision or amendment are published herewith in the Agency's Semiannual Regulations Agenda.

Dated: February 1, 1979.

A. VERNON WEAVER,
Administrator.

SMALL BUSINESS ADMINISTRATION REGULATIONS SCHEDULED FOR REVIEW OR DEVELOPMENT JANUARY 1979, THROUGH JULY 1979

The following Small Business Administration regulations are scheduled for review or development during the six-month period January 31, 1979, through July 31, 1979. This should increase public awarenenss of the Agency's regulatory activity and result in more effective public participation.

Publication of this Agenda does not impose any binding obligation on SBA with regard to any specific item on the Agenda. Additional regulatory action not listed on the Agenda is not precluded.

For further information on Agenda items, the public is encouraged to contact the individual listed for the particular item.

Comments or inquiries about the Agenda itself should be addressed to the Associate General Counsel for Legislation, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416, 2020-653-6662.

SMALL BUSINESS ADMINISTRATION REGULATIONS REVIEW AND DEVELOPMENT AGENDA

SIGNIFICANT REGULATIONS

Title of regulation	Summary	Knowledgeable official	Target date
Procurement and Technical Assistance The Small Business and Capital Ownership Development Program—proposed as—13 CFR Part 124.1-1 through 124.4-1.	A. *Description:* Establishes assistance available and eligibility under SBA's new Small Business and Capital Ownership Development Program which will provide under §§ 8(a) and 7(j) of the Small Business Act contract, financial, technical and management assistance to socially and economically disadvantaged individuals. B. *Why Significant:* Extensive public interest in the new statutorily-created minority enterprise programs and SBA's implementation. C. *Need:* Mandated by Pub. L. 95-507. D. *Legal Basis:* Pub. L. 95-507. § 5(b)(6) of Small Business Act, 15 U.S.C. 634(b)(6). E. *Regulatory Analysis:* Not required.	Richard Philbin, 202-653-6475.	Notice of Proposed Rulemaking January 25, 1979

SMALL BUSINESS ADMINISTRATION REGULATIONS REVIEW AND DEVELOPMENT AGENDA—Continued

Title of regulation	Summary	Knowledgeable official	Target date
Procurement and Technical Assistance 13 CFR Part 124. Research and Development Assistance 13 CFR Part 125.	A. *Description:* Proposed regulation would rewrite and combine Parts 124 and 125 and would establish SBA policy and procedure for the Certificate of Competency Program and the Prime Contracting Assistance, Property Sales Assistance, Subcontracting Assistance and Technology Assistance Programs. B. *Why Significant:* Substantial Public and Government interest in a major redrafting of legislation providing SBA procurement assistance. C. *Need:* New and expanded statutory authority and transfer of the 8(a) program responsibility, make this revision necessary. D. *Legal Basis:* Section 5(b)(6) of the Small Business Act, 15 U.S.C. 634(b)(6) and Pub. L. 95-507. E. *Regulatory Analysis:* Will not be required.	Ed Odell, 202-653-6332.	Notice of Proposed Rulemaking February 1979
Small Business Investment Companies 13 CFR Part 107.	A. *Description:* Amendments to several sections of Part 107 have been developed as a result of the enactment of Pub. L. 95-507. The proposed changes are:. (1) Section 107.3, *Definition of a Section 301(d) Licensee,* is changed to allow for the formation of a 301(d) SBIC as a limited partnership. (2) Section 107.4(a), *Limited Partnership SBIC,* is changed to allow for the formation of a 301(d) SBIC as a limited partnership. (3) Section 107.101(d)(1) and (2), *Operational Requirement,* raises the amount of private capital necessary for licensing of an SBIC after October 1, 1979, from $150,000 to $500,000. (4) Section 107.205, *Leverage for Section 301(d) Licensees,* is changed to clarify the reduced interest rate on debentures issued by 301(d) SBICs and the removal of SBA's discretionary right to insist on repayment of any interest subsidy on debentures or any dividend subsidy on preferred stock of a 301(d) SBIC. The additional tier of preferred stock which is now available to certain Section 301(d) SBIC is explained. (5) Section 107.808, *Idle Funds,* is changed to reflect that an SBIC's funds which are not invested in small concerns and not necessary for the day-to-day operations must be invested in direct obligations, of, or obligations guaranteed as to principal and interest by the United States; or in certificates of deposit, maturing within one year or less, issued by any institution whose accounts are insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation, or in savings accounts of such institutions. B. *Why Significant:* Public interest and important policy considerations. C. *Need:* Mandated by Pub. L. 95-507. D. *Legal Basis:* Section 308 of the Small Business Investment Act of 1958 and Pub. L. 95-507. E. *Regulatory Analysis:* Will not be required.	Peter McNeish, 202-653-6584.	Notice of Proposed Rulemaking February 1979

SMALL BUSINESS ADMINISTRATION REGULATIONS REVIEW AND DEVELOPMENT AGENDA—Continued

Title of regulation	Summary	Knowledgeable official	Target date
Surety Bond Guarantee 13 CFR Part 115.	A. *Description:* Pub. L. 95-507 made significant changes in policy governing SBA's program to assist small businesses in obtaining certain bid payment or performance bonds. Regulations being considered:. (1) Broadening of definition of "surety." (2) New definition of surety bonds eligible for guarantee. (3) Notification that SBA may vary the terms of guarantee from surety to surety, based upon the experience of a particular surety. (4) Broadening of terms of guarantee to permit payment by SBA for expenses incurred by surety upon its discovery of "imminent breach" of contract. (5) Establishment of ceiling on SBA's guarantee obligation including new "imminent breach" authority. (6) Notification of explicit rulemaking authority (formerly only incorporated by reference to another Act—the Small Business Act) and power to require sureties to meet SBA standards for underwriting, claim practices, and loss ratios. (7) Establishing specific basis for denying liability under bond guarantee. (8) Notification of authority to make reasonable audit of sureties. B. *Why Significant:* Public and congressional interest in new program policies. C. *Need:* Mandated by Pub. L. 95-507. D. *Legal Basis:* Section 308(c) of the Small Business Investment Act of 1958, 15 U.S.C. 687, and Title IV Part B of the Small Business Investment Act of 1958, 15 U.S.C. 694a, 694b. E. *Regulatory Analysis:* Not required.	Earl Chambers, 202-653-6803.	Notice of Proposed Rulemaking February 1979
Pollution Control 13 CFR Part 111.	A. *Description:* Redefine eligibility for guaranteed financing for acquisition of pollution control facilities including solid and liquid waste and to modify the program's application processing and administrative fee structure. B. *Why Significant:* Public interest and important new policy considerations. C. *Need:* Reflect new SBA Policy on pollution control financing. D. *Legal Basis:* Section 5(b)(6) of the Small Business Act, 15 U.S.C. 634(b)(6), § 20(b)(8) and (9) of the Small Business Act, and 15 U.S.C. 694-1 and 694-2. E. *Regulatory Analysis:* Not required.	Earl Chambers, 202-653-6803.	Notice of Proposed Rulemaking February 1979
Small Business Size Standards 13 CFR Part 121.	SBA is considering raising the size standards contained in Section 121-3-11, *Definition of small business for assistance by SBICs or by development companies.*	Peter McNeish, 202-653-6584.	Notice of Proposed Rulemaking March 1979
Small Business Investment Companies 13 CFR Part 107.	SBA is considering amending Section 107.4 to specify that SBA will make non-recourse loans to SBICs formed as limited partnerships..	Peter McNeish, 202-653-6584.	Notice of Proposed Rulemaking March 1979

SMALL BUSINESS ADMINISTRATION REGULATIONS REVIEW AND DEVELOPMENT AGENDA—Continued

Title of regulation	Summary	Knowledgeable official	Target date
Small Business Investment Companies 13 CFR Part 107.	Section 107.101(d)(2), governs the ratio of private to non-private capital required for SBA leverage to SBICs. SBA is considering changing rules governing ratio of purely private to non-private capital which a small business investment company (SBIC) must have in order to be eligible for leverage from SBA. The question has arisen because of the recent proliferation of non-private (Government) funds for capitalization of SBICs.	Peter McNeish, 202-653-6584.	Notice of Proposed Rulemaking March 1979
Administration 13 CFR Part 101.	This is a comprehensive review to update all regulations governing the organization and functions of the Agency.	Thomas Leydon, 202-653-6225.	Notice of Proposed Rulemaking June 1979
Administration 13 CFR Part 101.	Rules of Practice for Adjudicative Proceedings regarding termination of participation or completion of participation in the section 8(a) program. Published as final rule under mandate Pub. L. 95-507.	Martin Teckler, 202-653-6797.	Final Rule Published January 24, 1979
Procurement and Technical Assistance 13 CFR Part 124.	Final Rule clarifying the procedures by which SBA will determine that a small business concern participating in its section 8(a) program has completed participation or should be terminated. This rule is published as final under the mandate of Pub. L. 95-507.	Richard Philbin, 202-653-6475.	Final Rule Published January 24, 1979
Business Loan Policy 13 CFR Part 120.3.	SBA contemplates a new Guaranty Agreement for short term loans (SBA 750B). New rules will be necessary for the implementation of this new form.	Edwin Holloway, 202-653-6860.	Notice of Proposed Rulemaking April 1979
Loans to State and Local Development Companies 13 CFR Part 107.	Rules governing the participation of the development company are being revised to reflect changes mandated by Pub. L. 95-507.	Wendell Hulcher, 202-653-6620.	Notice of Proposed Rulemaking January 1979
Disaster Loans 13 CFR Part 123.	Procedure for requesting disaster declarations and time limit for request.	Richard Wray, 202-653-6470.	Proposed rule Published September 19, 1978
Business Loan Policy 13 CFR Part 120.	Reflects changes mandated by Pub. L. 95-89: broadens the category of eligible small contractors, extends the maturity of small contractor financing and makes other program changes.	Richard Wray, 202-653-6470.	Proposed rule Published October 17, 1978
Nondiscrimination in Federally Assisted Programs of SBA 13 CFR 113.	Proposed revision to implement section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination on the basis of handicap in employment or receipt of services.	J. Arnold Feldman, 202-653-6054.	Proposed rule Published March 8, 1978. Comment period closed May 8, 1978.
Business Loan Policy 13 CFR Part 120.	Implements section 211 of Pub. L. 95-507 which changed SBA's policy of not making loans to concerns owned and controlled by Indian tribes.	Evelyn Cherry, 202-653-6696.	Final Rule Published February 1979

[FR Doc. 79-4142 Filed 2-9-79; 8:45 am]

[8025-01-M]

[Application No. 04/04-5161]

FIRST FLORIDA CAPITAL CORP.

Application for a License to Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 *et seq.*) has been filed by The First Florida Capital Corporation (applicant) with the Small Business Administration pursuant to 13 CFR 107.102 (1978).

The officers, directors and stockholders are as follows:

Stanley L. Seligman, President, Director & 40% Stockholder, 125 North 46th Avenue, Hollywood, Florida 33021.

Sol Klein, Secretary, Treasurer, Director & 8.57% Stockholder, 4052 Estepona Avenue, Miami, Florida 33166.

Joel Pinsky, Vice-President, Director & 17.14% Stockholder, 1 Westmount Square, Suite 1212, Montreal, Quebec, Canada.

Norman Zavalkoff, Vice President, Director & 25.50% Stockholder, 6767 Cote Des Neiges, Suite 207, Montreal, Quebec, Canada.

Peter Shapiro, 4.50% Stockholder, 5803 Glenarden Avenue, Cote St-Luc, Quebec, Canada.

Naomi Davine, 4.29% Stockholder, 15 Albion Road, Hampstead, Quebec, Canada.

The applicant will maintain its principal place of business at 125 North 46th Avenue, Hollywood, Florida 33021. It will begin operations with $500,000 of private capital derived from the sale of 50,500 shares to stockholders shown above.

The applicant will conduct its operations in the Dade and Broward Counties of Florida.

As a small business investment company under Section 301(d) of the Act, the applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owners and management and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA Rules and Regulations.

Notice is hereby given by any person may, not later than February 27, 1979, submit to SBA written comments on the proposed applicant. Any such communication should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Hollywood, Florida.

(Catalog of Federal Domestic Assistance Program No. 59.011 Small Business Investment Companies.)

Dated: February 5, 1979.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc. 79-4576 Filed 2-9-79; 8:45 am]

[8025-01-M]

MARWIT CAPITAL CORP.

[License No. 09/02-0175]

Filing of Application for Approval of Conflict of Interest Transaction between Associates

Notice is hereby given that Marwit Capital Corporation (Marwit), Union Bank Building, Suite 480, 610 Newport Center, Newport Beach, California 92660, a Federal licensee under the Small Business Investment Act of 1958, as amended (Act), has filed an application pursuant to § 107.1004 of the Regulations governing small business investment companies (13 CFR 107.1004(1979)), for approval of a conflict of interest transaction.

Mr. Carl Minton, a Director and an attorney at law regularly serving Marwit, is deemed an Associate of Marwit pursuant to Section 107.3 of the Small Business Administration Rules and Regulations.

Mr. Minton is a Director and 15 percent shareholder of Triple A Accessories, Inc. (Triple A), 16200 South Maple Avenue, Gardena, California 90248.

Marwit proposes to lend Triple A $111,120 for a period of five years. In addition, Marwit will purchase warrants to acquire 18 percent of Triple A's common stock (after exercise of the warrants).

Since Mr. Minton is a Director and 10 or more percent shareholder of Triple A, Triple A is an Associate of Marwit, and the financing falls within the purview of Section 107.1004(b)(1) of the SBA's Regulations and requires a written exemption from SBA.

Notice is further given that any person may, not later than February 27, 1979, submit to SBA written comments on the proposed transaction. Any such comments should be addressed to: Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, Washington, D.C. 20416.

A copy of this Notice shall be published in newspapers of general circulation in Newport Beach and Gardena, California.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: February 1, 1979.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc. 79-4574 Filed 2-9-79; 8:45 am]

[8025-01-M]

[Proposed License No. 02/02-0361]

WOOD RIVER CAPITAL CORP.

Application for a License to Operate as Small Business Investment Company

Notice is hereby given that a application has been filed with the Small Business Administration pursuant to Section 107.102 of the Regulations governing small business investment companies (13 CFR 107.102(1978)), under the name of Wood River Capital Corporation, 645 Madison Avenue, New York, New York 10022, for a license to operate as a small business investment company, under the provisions of the Small Business Investment Act of 1958, as amended, (Act), and the Rules and Regulations promulgated thereunder.

The proposed officers, directors and stockholders are as follows:

Name and Title

Stanley R. Rawen, Jr., Chairman, Director, 30 Benenson Drive, Cos Cob, Connecticut 06807.

Edward B. Ory, President, Asst. Executive, Director, 200 East 66th Street, New York, New York 10021.

Peter A. Banker, Executive Vice President, Director 136 E. 64th Street, New York, New York 10021.

Seymour L. Wane, Secretary Treasurer, Director, 25 Clive Hill Road, Short Hills, New Jersey 07078.

Cyril F. O'Neil, Director, 161 Buxton Road, Bedford Hills, New York 10507.

Herbert M. Friedman, Director, 230 Elk Avenue, New Rochelle, New York 11230.

Louis Max, Jr., Owns 100% of the voting stock of Marline Resources Company, Inc., 230 Elk Avenue, New Rochelle, New York 11230.

Marline Resources Company, Inc., 100% owner of stock of applicant, 767 Fifth Avenue, New York, New York 10022.

The above individuals have actively been associated for a number of years with the development and management of small business enterprises. Some have had wide experience in venture capital and other small business entities as well as having been actively engaged in selecting and supervising venture capital investments. It will be the general policy of the applicant to work closely with its clients. The applicant proposes to begin operations with $4,000,000 of paid-in capital and paid-in surplus derived from the sale of 100 shares of common stock for $100 and a $3,999,900 capital contribution by Marline Resources Company, Inc. (Marline). The Securities to be sold by the applicant will represent less than 10% of Marline's total assets.

The applicant will conduct its business primarily in New York City. The applicant intends to provide financial assistance to small business concerns combining both debt and equity features. It will also make long-term loans.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Act and the SBA Rules and Regulations.

Any person may, on or before February 27, 1978, submit to SBA written comments on the proposed Licensee. Any such communications should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this Notice shall be published in a newspaper of general circulation in New York City.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: February 5, 1979.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc. 79-4475 Filed 2-8-79; 8:45 am]

[4710-02-M]

DEPARTMENT OF STATE

Agency for International Development

[Redelegation of Authority Nos. 5.12, 38.10, 99.18, and 112.8]

MISSION DIRECTOR, USAID SRI LANKA

Redelegation of Authority; Amendment

Pursuant to the authority delegated to me by A.I.D. Delegations of Authority Nos. 5, 38, 99, and 112, A.I.D. Redelegation of Authority No. 162-7 is amended as follows:

1. The introductory Paragraph is amended to read as follows:

Pursuant to the authority delegated to me by A.I.D. Delegations of Authority No. 5, dated December 29, 1961 (27 FR 449), as amended, with respect to Loan Agreements; No. 38, dated June 3, 1977 (42 FR 31511), with respect to Project Agreements, Trust Fund Agreements, and Grants to International Organizations; No. 99, dated April 27, 1973 (38 FR 12834), with respect to Contracting and Related Functions; and No. 112, dated October 12, 1975 (40 FR 48955), with respect to other authorities and functions delegated to me, I hereby redelegate to the Mission Director, USAID/Sri Lanka, and to any person acting in that official capacity, authority to exercise any of the following functions, retaining for myself concurrent authority to exercise any of the functions herein redelegated:

2. Subparagraph 2(b) is amended by deleting all that follows after the word "agreements" and inserting in lieu thereof a semicolon.

3. Subparagraph 2(c) is amended by deleting the word "and" after the semicolon at the end of the sentence.

4. Subparagraph 2(d) is amended by deleting all that follows after the words "Implementation Orders" and inserting in lieu thereof the words "(PIO's); and".

5. Paragraph 2 is further amended by adding a new subsection (e) to read as follows:

"(e) Authority to approve contractors, review and approve the terms of contracts, amendments and modifications thereto and invitations for bids with respect to such contracts financed by funds made available under such loan or grant agreements."

This amendment to Redelegation of Authority No. 162-7 is effective immediately.

Dated: February 2, 1979.

JOHN H. SULLIVAN,
Assistant Administrator, Bureau for Asia.

[FR Doc. 79-4596 Filed 2-9-79; 8:45 am]

[4710-02-M]

[Nos. 5.23, 38.21, 99.17, and 112.11]

MISSION DIRECTOR, USAID NEPAL

Redelegation of Authority

Pursuant to the authority delegated to me by A.I.D. Delegations of Authority No. 5, dated December 29, 1961 (27 FR 449), as amended, with respect to Loan Agreements; No. 38, dated June 3, 1977 (42 FR 31511), with respect to Project Agreements, Trust Fund Agreements, and Grants to International Organizations; No. 99, dated April 27, 1973 (38 FR 12834), with respect to Contracting and Related Functions; and No. 112, dated October 12, 1975 (40 FR 48955), with respect to other authorities and functions delegated to me, I hereby redelegate to the Mission Director, USAID/Nepal, and to any person acting in that official capacity, authority to exercise any of the following functions, retaining for myself concurrent authority to exercise any of the functions herein redelegated:

1. Authority to negotiate and execute loan and grant agreements and amendments thereto, with respect to loans and grants authorized under the Foreign Assistance Act of 1961, as amended (the Act), in accordance with the terms of the authorization of such loan or grant; such grant agreements for purposes of this authority and all other authorities contained in this redelegation shall mean agreements with foreign governments, foreign government agencies and international organizations having a membership consisting primarily of such foreign governments;

2. Authority to implement loan and grant agreements with respect to loans and grants authorized under the Act to the following extent:

(a) Authority to prepare, negotiate, sign and deliver letters of implementation;

(b) Authority to review and approve documents and other evidence submitted by borrowers or grantees in satisfaction of conditions precedent to financing under such loan or grant agreements;

(c) Authority to negotiate, execute and implement all agreements and other documents ancillary to such loan and grant agreements;

(d) Authority to sign or approve Project Implementation Orders—(PIO's); and

(e) Authority to approve contractors, review and approve the terms of contracts, amendments and mondifications thereto, and invitations for bids with respect to such contracts financed by funds made available under such loan or grant agreements.

The authorities enumerated above may be redelegated by the individual listed above, as appropriate, but not successively redelegated, except that the authority described above in paragraph 1 with respect to execution of loan and grant agreements and amendments may not be redelegated.

The authority enumerated above in paragraph 1 with respect to execution of loan and grant agreements is also hereby redelegated under the same terms and conditions set forth herein to the U.S. Ambassador to Nepal.

The authorities enumerated above may be exercised only after appropriate consulation with A.I.D. technical and legal staff.

The unpublished Redelegation of Authority to the Mission Director, USAID Nepal, dated November 11,

1977, is hereby revoked. Any official actions taken prior to the effective date hereof by officers duly authorized pursuant to delegations revoked hereunder are continued in effect, according to their terms until modified, revoked, or superseded by action of the officer to whom I have delegated relevant authority in this delegation.

This Redelegation of Authority is effective immediately.

Dated: February 2, 1979.

JOHN H. SULLIVAN,
Assistant Administrator, Bureau for Asia.

[FR Doc. 79-4597 Filed 2-9-79; 8:45 am]

[4910-59-M]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

FIAT 850 AND 124 MODELS FOR MODEL YEARS 1970-1974 IMPORTED BY FIAT MOTORS OF NORTH AMERICA, INC.

Public Proceeding Rescheduled

A public proceeding scheduled for 10:00 A.M. on February 21, 1979 with respect to undercarriage corrosion in the 850 and 124 modles of the Fiat automobile for model years 1970 through 1974 has been rescheduled for 10:00 A.M., March 21, 1979, Room 6332, Department of Transportation Headquarters, 400 Seventh Street S.W., Washington, D.C. 20590.

Interested persons are invited to participate through written or oral presentations. Persons wishing to make oral presentations are requested to notify Mrs. Joan Murianka, Office of Defects Investigation, National Highway Traffic Safety Administration, Washington, D.C. 20590, telephone 202-426-2850, before the close of business on March 14, 1979.

(Sec. 152, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1412); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on February 6, 1979.

FRANK BERNDT,
Associate Administrator for Enforcement.

[FR Doc. 79-4627 Filed 2-9-79; 8:45 am]

[4910-59-M]

[Docket No. IP77-22; Notice 2]

HUNG-A INDUSTRIAL CO., LTD.

Denial of Petition for Inconsequential Noncompliance

This notice denies the petition by Hung-A Industrial Co., Ltd. of Pusan, Korea, to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for two noncompliances with 49 CFR 571.119, Motor Vehicle Safety Standard No. 119, *New Pneumatic Tires for Vehicles Other Than Passenger Cars.* The basis of the petition was that the noncompliances are inconsequential as they relate to motor vehicle safety.

Notice of the petition was published on March 2, 1978, and an opportunity afforded for comment (43 FR 8609).

Paragraph S6.4 of Standard No. 119 requires that each tire shall have treadwear indicators enabling a person inspecting the tire to determine visually whether the tire has worn to a tread depth of one-sixteenth of an inch. Hung-A has shipped approximately 28,000 tires without treadwear indicators to the United States for use on boat trailers. Hung-A argues that this noncompliance is inconsequential as "the treadwear can be easily noticed because of the saw rib tread pattern of the tires. With this type of pattern, the wearing of the tire can easily be seen by the consumer, in order that he may determine the replacement time for safety measures."

Paragraph S6.5(d) of Standard No. 119 requires tires to be marked with maximum load rating and corresponding inflation pressure of the tire when cold. This information was omitted from Hung-A tires although they did comply with the requirements S6.5(j) that the letter designating the tire load range be marked on the tire. Hung-A argues that the classification gives "a very similar effect for the safety of the consumer", and that its tires otherwise meet all Federal and Association requirements. The company reports that in the 2 year period that these tires have been available "there have been no reports of accident or safety malfunction by the consumer or supplier". It has shipped an additional 11,000 nonconforming tires out of the United States and is now producing conforming tires.

Ten comments were received from tire dealers and consumers, all supporting Hung-A. Typical was that of Dale Trew of "Ranch P.V.", California. He supported Hung-A's claim that "tread can be seen easily just by taking a close look at the tread because of saw rib pattern of the tire". While he agreed that it is better to have the maximum load limit on the tire, Mr. Trew argued that "load range B or C is sufficient for a small boat trailer because consumers can easily find out load rate B or C range to any tire dealer". Other commenters referred to the lack of accidents or safety problems associated with the tires.

The NHTSA has decided to deny Hung-A's petition. The purpose of the treadwear indicator is to provide a positive sign that the tire should be replaced, rather than requiring a subjective determination by the owner. The exposure of wear indicators is a warning that the wet traction capability of the tire has been decreased and that the likelihood of blow-outs or flats has been increased.

In addition, the absence of maximum load/inflation pressure information cannot be considered inconsequential. The standard's requirement is intended to relieve the user of the burden of obtaining access to a tire and rim manual to obtain information which is so vital to preventing overloading and underinflating the tire, two factors that are among the major contributors to tire failure on the road.

Accordingly, petitioner has failed to meet its burden of persuasion that the noncompliances with Standard No. 119 herein described are inconsequential as they relate to motor vehicle safety, and its petition is hereby denied.

(Sec. 102, Pub. L. 93-492, 99 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8).

Issued on February 5, 1979.

MICHAEL M. FINKELSTEIN,
Associate Administrator for Rulemaking.

[FR Doc. 79-4443 Filed 2-9-79; 8:45 am]

[4910-59-M]

NATIONAL HIGHWAY SAFETY ADVISORY COMMITTEE

Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C. app. I), notice is hereby given of a meeting of the National Highway Safety Advisory Committee's Safe Utilization of Commercial Vehicles Task Force. The meeting will be held from 8 a.m. to 5 p.m. on February 28 and from 8 a.m. to 3 p.m. on March 1, 1979 at the CABELL Federal Building, Room 9E25, 1100 Commercial Street, Dallas, Texas 75201.

The Task Force will be discussing issues related to the safe utilization of commercial vehicles and preparing a report to the Secretary of Transportation on Commercial Vehicles Maintenance and Safety Inspection Programs.

Attendance is open to the interested public but limited to the space available.

This meeting is subject to the approval of the appropriate DOT officials. Additional information may be obtained from the NHTSA Executive Secretary, Room 5219, 400 Seventh Street, S.W., Washington, D.C. 20590, telephone 202-426-2872.

Issued in Washington, D.C. on February 7, 1979.

WM. H. MARSH,
Executive Secretary.

[FR Doc. 79-4628 Filed 2-9-79; 8:45 am]

[4810-31-M]

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[Notice No. 79-10; Reference: ATF O 1100.107]

DELEGATION TO THE ASSISTANT DIRECTOR (REGULATORY ENFORCEMENT) OF AUTHORITIES OF THE DIRECTOR IN 27 CFR PART 194, LIQUOR DEALERS

Delegation Order

1. *Purpose.* This order delegates certain authorities, now vested in the Director by regulations in 27 CFR Part 194, to the Assistant Director (Regulatory Enforcement), and permits redelegation to Regulatory Enforcement personnel, Headquarters and field.

2. *Background.* Under current regulations, the Director has authority to take final action on matters relating to the special taxes imposed on wholesale and retail dealers in liquors, wholesale and retail dealers in beer, and limited retail dealers, and to operations of such dealers. It has been administratively determined that certain authorities now vested in the Director by regulations in 27 CFR Part 194, Liquor Dealers, belong at and should be delegated to a lower organizational level.

3. *Delegations.* Under the authority vested in the Director, Bureau of Alcohol, Tobacco and Firearms, by Treasury Department Order No. 221, dated June 6, 1972, and by 26 CFR 301.7701-9, there is hereby delegated to the Assistant Director (Regulatory Enforcement) the authority to take final action on the following matters relating to 27 CFR Part 194, Liquor Dealers:

a. To prescribe:

(1) All forms required by 27 CFR Part 194, under 27 CFR 194.41.

(2) The format of ATF F 52A (5170.9), Wholesale Liquor Dealer's Report of Receipts, ATF F 52B (5170.9), Wholesale Liquor Dealer's Report of Disposals; and ATF F 338 (5110.48), Wholesale Liquor Dealer's Semiannual Report, which are provided by users at their own expense, under 27 CFR 194.244.

b. To approve written applications for variations in the type and format of records of receipt and disposition, or in the methods of preparing such records, in order to use data processing equipment, other business machines, or existing accounting systems, under 27 CFR 194.229.

c. To approve the reproduction of records of the same class by the process described by the applicant and the provisions for the preserving, examining, viewing, and using of the reproductions are satisfactory, under 27 CFR 194.243.

d. To approve applications, filed pursuant to 27 CFR 194.229, to modify ATF forms 52A (5170.9), 52B (5170.9), and 338 (5110.48) for use in tabulating or other mechanical equipment, under 27 CFR 194.244.

4. *Redelegation.* a. The authority in paragraph 3a above may be redelegated to Regulatory Enforcement personnel in Bureau Headquarters not lower than the position of branch chief.

b. The authorities in paragraphs 3b through 3d above may be redelegated to Regulatory Enforcement personnel in Bureau Headquarters not lower than the position of ATF specialist.

c. The authorities in paragraphs 3c and 3d above may be redelegated to regional regulatory administrators to approve, without submission to Headquarters for approval, applications for variations or the reproduction of records which are identical to previous approvals by Bureau Headquarters. Regional regulatory administrators may redelegate these authorities to regional Regulatory Enforcement personnel not lower than the position of chief, technical services, or area supervisor.

Effective date. This order becomes effective on February 6, 1979.

Signed: February 6, 1979.

JOHN G. KROGMAN,
Acting Director.

[FR Doc. 79-4624 Filed 2-9-79; 8:45 am]

[4810-22-M]

Office of the Secretary

SUGAR FROM BELGIUM, FRANCE, AND THE FEDERAL REPUBLIC OF GERMANY

Antidumping: Withholding of Appraisement and Determinations of Sales at Less Than Fair Value

AGENCY: U.S. Treasury Department.

ACTION: Withholding of Appraisement and Determinations of Sales at Less Than Fair Value.

SUMMARY: This notice is to advise the public that antidumping investigations have resulted in determinations that sugar from Belgium, France, and the Federal Republic of Germany (FRG) is being sold at less than fair value under the Antidumping Act, 1921. Appraisement of entries of this merchandise from these three countries will be suspended for 3 months. These cases are being referred to the U.S. International Trade Commission for a determination concerning possible injury to an industry in the United States.

EFFECTIVE DATE: February 12, 1979.

FOR FURTHER INFORMATION CONTACT:

John R. Kugelman, Duty Assessment Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-5492).

SUPPLEMENTARY INFORMATION: On July 10, 1978, a petition in proper form was received from counsel for Florida Sugar Marketing and Terminal Association, Inc. (FSM), alleging that sugar from Belgium, Denmark, the Federal Republic of Germany, France, and the United Kingdom is being sold at less than fair value, thereby causing injury to, or the likelihood of injury to, an industry in the United States within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 *et seq.*) (referred to in this notice as "the Act"). On August 8, 1978, FSM withdrew its petition as it related to sugar imported from the United Kingdom and Denmark. On the basis of this information, an "Antidumping Proceeding Notice" was published in the FEDERAL REGISTER of August 18, 1978 (43 FR 36746-36747).

The "Antidumping Proceeding Notice" indicated that there was evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States. However, the notice also indicated that there was substantial doubt that imports of such merchandise from these countries were causing, or were likely to cause, injury. Accordingly, the United States Inter-

national Trade Commission was advised of such doubt pursuant to section 201(c)(2) of the Act (19 U.S.C. 160(c)(2)).

On September 25, 1978, the United States International Trade Commission determined it could not find "no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established", by reason of the importation of sugar from Belgium, France, or the FRG. Therefore, the investigation proceeded.

For purposes of these investigations, the sugar under consideration includes raw and refined sugar provided for in item numbers 155.20 and 155.30 of the Tariff Schedules of the United States (TSUS).

DETERMINATIONS OF SALES AT LESS THAN FAIR VALUE

I hereby determine that, for the reasons stated below, sugar from Belgium, France, and the FRG is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

STATEMENT OF REASONS ON WHICH THESE DETERMINATIONS ARE BASED

The reasons and bases for the above determinations are as follows:

a. *Scope of the Investigations.* The investigations encompassed all imports of the subject merchandise originating in France, Belgium or the FRG. All imports during the investigatory period were of raw sugar.

b. *Bases of Comparisons.* For purposes of these determinations, the proper bases of comparison are between the purchase prices and the home market prices of such or similar merchandise. Purchase price, as defined in section 203 of the Act (19 U.S.C. 162), was used since all export sales to the United States of sugar from these three countries were made to unrelated purchasers in the United States prior to the dates of exportation. Home market prices, as defined in § 153.2, Customs Regulations (19 CFR 153.2), were used since such or similar merchandise was sold in the home markets in sufficient quantities to provide an adequate basis for comparisons.

In accordance with § 153.31(b), Customs Regulations (19 CFR 153.31(b)), pricing information was requested concerning U.S. import and home market sales during the period March 1, 1978, through August 31, 1978. No substantive responses were received from any of the involved exporters. Therefore, resort was made to such information as was available, pursuant to § 153.31(a), Customs Regulations (19 CFR 153.31(a)).

c. *Purchase Prices.* For the purposes of these determinations, purchase prices have been calculated on the bases of the prices to United States purchasers, after deducting ocean freight, marine insurance, loading and handling costs, United States duty and Customs brokerage charges, when any of the above items were included in the selling prices. This information was obtained from Customs entry documents with respect to shipments to the U.S. during the investigatory period.

d. *Home Market Prices.* For purposes of these determinations, home market prices have been calculated on the basis of the European Community 1977/78 raw sugar intervention price per pound, as published in the *Official Journal of the European Communities.* The intervention price for raw sugar is established under the European Communities Common Agricultual Policy and represents the minimum price below which the price of sugar sold within the Community is not permitted to fall. The Customs Service has ascertained that the prices at which actual transactions are made within the EC (which includes the countries subject to this investigation) are at least at or above the published intervention prices.

A Countervailing Duty Order was issued on this merchandise on July 31, 1978 (43 FR 33327). As all sales of sugar examined during these antidumping investigations were entered prior to the effective date of that order, no countervailing duties were collected and therefore no adjustment was necessary to reflect additional duties assessed pursuant to the CVD Order. In the event of the issuance of a "Finding of Dumping" with respect to this product from France, Belgium or the FRG, such countervailing duties paid on future shipments would be considered as a circumstance of sale for dumping duty assessment purposes.

e. *Results of Fair Value Comparisons.* Using the above criteria, comparisons were made on 100 percent of the sales of sugar to the United States during the period of investigation. These comparisons indicate that the purchase prices were less than the home market prices of such or similar merchandise in all instances. Margins were found ranging from approximately 88 to 128 percent on 100 percent of the sales of French sugar, 62 to 131 percent on 100 percent of the sales of Belgian sugar, and 121 percent on 100 percent of the sales of West German sugar. The weighted-average margins on these sales amounted to 102, 103 and 121 percent on French, Belgian and West German sugar, respectively.

The Secretary has provided an opportunity to known interested parties to present written and oral views pursuant to § 153.40, Customs Regulations (19 CFR 153.40). No views were received, and no requests were received for a 6-month withholding of appraisement.

Customs officers are being directed to withhold appraisement of sugar originating in France, Belgium and the FRG in accordance with § 153.48, Customs Regulations (19 CFR 153.48).

This withholding of appraisement notice, which is published pursuant to § 153.35(a), Customs Regulations (19 CFR 153.35(a)), shall become efective upon publication in the FEDERAL REGISTER. It shall cease to be effective at the expiration of 3 months from the date of this publication unless previously revoked.

The United States International Trade Commission is being advised of these determinations.

These determinations are being published pursuant to section 201(d) of the Act (19 U.S.C. 160(d)).

ROBERT H. MUNDHEIM,
General Counsel of the Treasury.

FEBRUARY 6, 1979.

[FR Doc. 79-4604 Filed 2-9-79; 8:45 am]

[4810-40-M]

Office of the Secretary

[Supplemental to Dept. Circular Public Debt Series—No. 2-79]

TREASURY NOTES OF SERIES B-1987

Interest Rate

FEBRUARY 7, 1979.

The Secretary announced on February 6, 1979, that the interest rate on the notes designated Series B-1987, described in Department Circular—Public Debt Series—No. 2-79, dated February 1, 1979, will be 9 percent. Interest on the notes will be payable at the rate of 9 percent per annum.

SUPPLEMENTARY STATEMENT: The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the Departmental procedures applicable to such regulations.

PAUL H. TAYLOR,
Fiscal Assistant Secretary.

[FR Doc. 79-4589 Filed 2-9-79; 8:45 am]

[7035-01-M]

INTERSTATE COMMERCE COMMISSION

Office of Hearings

[Notice No. 25]

ASSIGNMENT OF HEARINGS

FEBRUARY 7, 1979.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 111545 (Sub-250F), Home Transportation Company, Inc., now assigned February 6, 1979, at Tampa, Florida, is cancelled transfered to Modified Procedure.

MC 144887 (Sub-1F), Northern Dutchess Taxi, Inc., now assigned for hearing on April 16, 1979, (2 days), at Poughkeepsie, NY. in a hearing room to be later designated.

MC 101134 (Sub-8F), Arco Coaches, Inc., now assigned for hearing on April 18, 1979, (3 days), at New York, NY., in a hearing room to be later designated.

MC 87909 (Sub-28F), Kroblin Transportation Systems, Inc., now assigned for hearing on March 26, 1979, (10 days), at Chicago, Illinois, in a hearing room to be later designated.

MC 71593 (Sub-10F), Forwarders Transport, Inc., now assigned for hearing on April 17, 1979, (1 day), at New York, NY., in a hearing room to be later designated.

MC 93649 (Sub-22F), Gaines Motor Lines, Inc., now assigned for hearing on April 18, 1979, (3 days), at New York, NY., in a hearing room to be later designated.

MC 107295 (Sub-873F), Pre-Fab Transit Co., now assigned for hearing on April 23, 1979, (1 day), at Boston, Massachusetts, in a hearing room to be later designated.

MC 142887 (Sub-1), New England Bulk Terminal, Inc., now assigned for hearing on April 2, 1979, (1 day), at Boston, Massachusetts, in a hearing room to be later designated.

MC 68908 (Sub-8F), Mullen Bros., of North Adams, Mass. Downing Inc., now assigned for hearing on April 25, 1979, (3 days), at Boston, Massachusetts, in a hearing room to be later designated.

MC 144011, Hall Systems, Inc., now assigned continued hearing February 14, 1979, (3 days), in the Sheraton Motor Inn Downtown 300 N. 10th Street, Birmingham, Ala.

MC 144678 (Sub-3F), American Freight System, Inc., now assigned for hearing on March 19, 1979, (5 days), at Des Moines, Iowa, in a hearing room to be later designated.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-4640 Filed 2-9-79; 8:45 am]

[7035-01-M]

[Notice No. 19]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

The following are notices of filing of applications for temporary authority under Section 210(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, of its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifiying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interestate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

NOTE.—All applications seek authority to operate as a common carrrier over irregular routes except as otherwise noted.

MOTOR CARRIERS OF PROPERTY

MC 41406 (Sub-108TA), filed January 3, 1979., Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Avenue, Hammond, IN 46323. Representative: Wade H. Bourdon, 7105 Kennedy Avenue, Hammond, IN 46323. *Iron and steel articles,* from the plant site of Inland Steel Company at East Chicago, IN to the Milwaukee, WI Commercial Zone, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Bruce A. Klimek, Staff Asst., Inland Steel Company, 30 W. Monroe St., Chicago, IL 60603. SEND PROTESTS TO: Lois M. Stahl, Trans. Asst., I.C.C., Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Rm. 1386, Chicago, IL 60604.

MC 41406 (Sub-109TA), filed January 3, 1979., Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Avenue, Hammond, IN 46323. Representative: Wade H. Bourdon, 7105 Kennedy Avenue, Hammond, IN 46323. *Iron and steel articles,* from the plantsites of United States Steel Corporation located at or near Gary, IN, Joliet and South Chicago, IL, to points in Kenosha, Milwaukee and Racine Counties, WI, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): J. H. Dodgson, Mgr. Traffic Central Area, United States Steel Corporation, 1000 East 80th Place, Merrillville, IN 46410. SEND PROTESTS TO: Lois M. Stahl, Trans. Asst., I.C.C., Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Rm. 1386, Chicago, IL 60604.

MC 41406 (Sub-110TA), filed January 3, 1979. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Avenue, Hammond, IN 46323. Representative: Wade H. Bourdon, 7105 Kennedy Avenue, Hammond, Indiana 46323. *Aluminum and aluminum articles,* from the facilities of Kaiser Aluminum & Chemical Corporation at or near Ravenswood, WV to points in AL, AR, FL, GA, LA, MS, NC, SC, IN, and TX, for 180 days. SUPPORTING SHIPPER(S): R. E. Nowell, Mgr. Trans. Services, Kaiser Aluminum & Chemical Corporation, P.O. Box 98, Ravenswood, WV 26164. SEND PROTESTS TO: Lois M. Stahl, Trans. Asst., I.C.C., Everett McKinley Dirksen Building, 219 S. Dearborn St., Rm. 1386, Chicago, IL 60604.

MC 41915 (Sub-43TA), filed December 24, 1978. Applicant: MILLER'S MOTOR FREIGHT, INC., 1060 Zinn's Quarry Road, York, Pennsylvania 17405. Representative: Jeremy Kahn, Suite 733 Investment Building, 1511 K Street NW., Washington, D.C. 20005. (1) *petroleum, petroleum products, vehicle body sealer* and/or *sound deadener compounds,* (except in bulk, in tank vehicles), and *filters* from points in Warren County, MS to points in AL, CT, DE, FL, GA, KY, LA, MD, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VA, WV and DC; and (2) *petroleum, petro-*

leum products, vehicle body sealer and/or *sound deadener compounds, filters, materials, supplies,* and *equipment* as are used in the manufacture, sale and distribution of the commodities named in (1) above (except in bulk, in tank vehicles) from points in AL, GA, KY, NY, OH, PA, RI, SC, VA, and WV to points in Warren County, MS, restricted in parts (1) and (2) above to shipments originating at or destined to the facilities of Quaker State Oil Refining Corporation located in Warren County, MS for 180 days. Supporting shipper; Quaker State Oil Refining Corp., P.O. Box 989, Oil City PA 16301. Send protests to Charles F. Myers, I.C.C., P.O. Box 869, Federal Square Station, 228 Walnut St., Harrisburg, PA 17108.

MC 41951 (Sub-34TA), filed December 29, 1978. Applicant: WHEATLEY TRUCKING, INC., P.O. Box 458, Cambridge, MD 21613. Representative: Daniel B. Johnson, 4304 East-West Highway, Washington, DC 20014. *Foodstuffs,* (1) from Cheriton, VA, to points in CT, DE, FL, GA, IL, IN, KY, MA, MD, MI, NC, NJ, NY, OH, PA, RI, SC, TN, VA, WV, and DC; and (2) from Queen Anne, MD, to points in DE, FL, GA, IL, IN, KY, MD, MI, NC, OH, SC, TN, VA, WV, and DC., for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): K.M.C. Foods, Inc., P.O. Box 298, Queen Anne, MD 21657. SEND PROTESTS TO: Theresa M. Esposito Transportation Asst., ICC, 600 Arch Street, Room 3238, Philadelphia, PA 19106.

MC 52704 (Sub-202TA), filed December 27, 1978. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., P.O. Drawer "H", LaFayette, AL 36862. Representative: Archie B. Culbreth, 2200 Century Parkway, Suite 202, Atlanta, GA 30345. (1) *Plastic containers,* from the facilities of Sewell Plastics, Inc., located at or near Greenville, SC and Pittsburgh, PA, to points in AL, AR, FL, GA, KY, LA, MS, MO, NC, OK, SC, TN, TX, VA, WV, MD and the District of Columbia; (2) *Plastic preforms or plastic base cups for plastic containers,* from the facilities of Sewell Plastics, Inc., located at or near Atlanta, GA, and Coats and Clark, Inc., at or near Seneca, SC, to the facilities of Sewell Plastics, Inc., located at or near Greenville, SC and Pittsburgh, PA; and (3) *Materials, equipment and supplies* used in the manufacture and distribution of plastic containers or parts therefor, (except commodities in bulk), from points in the destination states named in (1) above, to the facilities of Sewell Plastics, Inc., located at or near Greenville, SC and Pittsburgh, PA; for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Sewell Plastics, Inc., 5111 Phillip Lee Drive, Atlanta, GA 30336. SEND PROTESTS TO: Mable E. Holston Transp. Asst., Room 1616, 2121 8th Avenue, North, Birmingham, AL 35203.

MC 100666 (Sub-419TA), filed December 21, 1978. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, 1129 Grimmett Drive, Shreveport, LA 71107. Representative: Wilburn L. Williamson, Suite 615-E, The Oil Center, 2601 N.W. Expressway, Oklahoma City, OK 73112. (1) *Petroleum, petroleum products, vehicle body and sealer and/or sound deadener compounds,* (except in bulk, in tank vehicles), *and filters,* from points in Warren County, MS, to points in AR, IL, IA, KS, LA, MO, OK, and TX; (2) *Petroleum, petroleum products, vehicle body sealer, and/or sound deadener compounds, filters, materials, supplies, and equipment as are used in the manufacture, sale, and distribution of the commodities named in (1) above,* except in bulk, in tank vehicles) from points in IL, KY, and OK, to points in Warren County, MS, restricted in (1) and (2) above to shipments originating at or destined to the facilities of Quaker State Oil Refining Corporation located in Warren County, MS, for 180 days. Supporting shipper(s): Quaker State Oil Refining Corp., P.O. Box 989, Oil City, PA 16301. Send protests to: Connie A. Guillory DS, ICC, T-9038 U.S. Postal Service Bldg., 701 Loyola Avenue, New Orleans, LA 70113.

MC 111812 (Sub-608TA), filed January 3, 1979. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: Lamoyne Brandsma, P.O. Box 1233, Sioux Falls, SD 57101. (1) *Meats, meat products, meat by-products and articles distributed by meat packinghouses as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766* (except hides and commodities in bulk); and (2) *Foodstuffs when moving in mixed loads with articles listed in (1) above* from the facility of Oscar Mayer & Co., Inc. at or near Beardstown, IL to the state of CA for 180 days. Supporting shipper: Oscar Mayer & Co., Inc., P.O. Box 7188, Madison, WI 53707. Send protests to: J. L. Hammond, I.C.C., Rm. 455, Federal Bldg., Pierre, SD 57501.

MC 114457 (Sub-465TA), filed December 27, 1978. Applicant: DART TRANSIT COMPANY, 2102 University Avenue, St. Paul, MN 5514. Representative: James H. Wills, 2102 University Avenue, St. Paul, MN 55114. *Containers, container ends, and container closures and materials, equipment and supplies* used in the manufacture, sale, and distribution of containers, from the facilities of Crown, Cork & Seal Company at Baltimore and Fruitland, MD; Lawrence, MA; North Bergen, NJ; Philadelphia, PA; and Winchester, VA to points in the United States in and east of ND, SD, NE, KS, OK and TX, for 180 days. Supporting shipper(s): Crown Cork & Seal Co., Inc., 9300 Ashton Rd., Philadelphia, PA 19136. Send protests to: Delores A. Poe Transp. Asst., ICC, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 115762 (Sub-11TA), filed December 28, 1978. Applicant: KENTUCKY WESTERN TRUCK LINES, INC., P.O. Box 623, Highway 41-A North, Hopkinsville, KY 42240. Representative: William L. Willis, 708 McClure Building, Frankfort, KY 40601. (1) *Malt beverages and related advertising materials,* from Evansville, IN., to Hopkinsville, KY, and (2) *Empty malt beverage containers, pallets, and rejected shipments of malt beverages,* from Hopkinsville, KY to Evansville, IN, for 180 days. Supporting shipper(s): Mike K. Carter President, King Kole Bottling, Inc., P.O. Box 525, 25th & Beltline, Hopkinsville, KY 42240. Send protests to: Linda H. Sypher DS, ICC, 426 Post Office Building, Lousville, KY 40202.

MC 118202 (Sub-100TA), filed January 4, 1979. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, 323 Bridge Street, Winona, MN 55987. Representative: Eugene Schultz, P.O. Box 406, Winona, MN 55987. (1) *Petroleum, petroleum products, vehicle body sealer and/or sound deadener compounds (except in bulk, in tank vehicles), and filters* from points in Warren County, MS to points in and east of ND, SD, NE, CO, OK and TX, and (2) *Petroleum, petroleum products, vehicle body sealer and/or sound deadner compounds, filters, materials, supplies, and equipment* as are used in the manufacture, sale, and distribution of the commodities named in Part 1 above (except in bulk, in tank vehicles), from points in AL, GA, IL, IN, KY, NY, OH, OK, PA, RI, SC, VA and WV to points in Warren County, MS. Restricted in Parts (1) and (2) above to shipments originating at or destined to the facilities of Quaker State Oil Refining Corporation located in Warren County, MS, for 180 days. Supporting Shipper(s): Quaker State Oil Refining Corp., P.O. Box 989, Oil City, PA 16301. Send protests to: Delores A. Poe, Trans. Asst., I.C.C., 414 Federal Bldg. and U.S. Courthouse, 110 South 4th Street, Minneapolis, MN 55401.

MC 119489 (Sub-54TA), filed December 26, 1978. Applicant: PAUL ABLER, d.b.a. CENTRAL TRANSPORT COMPANY, P.O. Box 249, Norfolk, NE 68701. Representative: Bradford E.

Kistler, P.O. Box 82028, Lincoln, NE 68501. *Propane*, in bulk, in tank vehicles, from the Mid America Pipe Line Terminal at or near Greenwood, NE, to points in SD, for 180 days. Supporting shipper: Farmland Industries, Inc., 3315 North Oak Tfwy., Kansas City, MO 64116. Send protests to: Carroll Russell, I.C.C., Suite 620, Union Pacific Plaza, 110 North 14th St., Omaha, NE 68102.

MC 123255 (Sub-194TA), filed December 21, 1978. Applicant: B & L MOTOR FREIGHT, INC., 1984 Coffman Road, Newark, Ohio 43055. Representative: C. F. Schnee, Jr., 1984 Coffman Road, Newark, Ohio 43055. *Borate rock* in bulk, from Money Point, VA to Barrington, NJ, for 180 days. Supporting shipper(s): Owens-Corning Fiberglas Corp., Director of Trans., Fiberglas Tower, Toledo, OH 43659. Send protests to: Frank L. Calvary, I.C.C., 220 Federal Bldg. and U.S. Courthouse, 85 Marconi Blvd., Columbus, OH 43215.

MC 123819 (Sub-74TA), filed December 21, 1978. Applicant: ACE FREIGHT LINE, INC., P.O. Box 16589, 3359 Cazassa Road, Memphis, TN 38116. Representative: Mr. Bill R. Davis, Suite 101-Emerson Center, 2814 New Spring Road Atlanta, GA 30339. *Canned goods* (except frozen and in bulk), from the facilities of the Joan of Arc Company (1) at or near Belledeau and St. Francisville, LA to points in IL, WI and MO, and (2) at Turkey, NC to points in ME, VT, NH, MA, CT, RI, NY, NJ, PA, IL and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Joan of Arc Company, 2231 West Altorfer Drive, Peoria, IL 61614. Send protests to: Floyd A. Johnson, I.C.C., 100 North Main Bldg., Suite 2006, 100 North Main St., Memphis, TN 38103.

MC 124078 (Sub-919TA), filed December 11, 1978. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. *Bentonite Clay, Foundry Sand Additives and Ingredients, Foundry Facings, Foundry Sand, Graphite Ore, Coke Breeze, Calcined Petroleum Coke & Carbon Scrap or any mixture of these products*, in bulk, in bags from Green Bay, WI to points in IL, IN, IA, MI & MN for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Carpenter Brothers, Inc., 606 West Wisconsin Avenue, Milwaukee, WI 53202, Bradley H. Booth, President. Send protests to: Gail Daugherty, Trans. Asst., I.C.C., U.S. Federal Bldg. and Courthouse, 517 East Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 124078 (Sub-920TA), filed December 27, 1978. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601 Milwaukee, WI 53201. *Petroleum and Petroleum Products* in bulk, in tank vehicles from Memphis, TN and West Memphis, AR to points in AR, AL, MS, MO, & TN for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Belcher Co. of Tennessee, Box 2048, West Memphis, AR 72301, Benny Webb, Supply and Distribution Mgr. Send protests to: Gail Daugherty, Trans. Asst., I.C.C., U.S. Federal Bldg. and Courthouse, 517 East Wisconsin Ave., Rm 619, Milwaukee, WI 53202.

MC 124211 (Sub-351TA), filed December 21, 1978. Applicant: HILT TRUCK LINE, INC., P.O. Box 988 DTS, Omaha, NE 68101. Representative: Thomas L. Hilt, (same address as applicant). (1) *Such commodities as are manufactured, processed, distributed, or dealt in by manufacturers or converters of paper and paper products, (except commodities in bulk)*, from the plantsite and storage facilities of The Mead Corporation located at or near Chillicothe and Schooleys, OH to points in AZ, CA, OR, and WA. (2) *Paper and paper articles*, (except in bulk), from the plantsite and storage facilities of the Mead Corporation located at or near Kingsport and Gray, TN to points in AZ, CA, OR, and WA., for 180 days. Supporting shipper(s): M. E. Flynn Traffic Analyst-Motor, The Mead Corporation, Courthouse Plaza, N.E., Dayton, OH 45463. Send protests to: Carroll Russell DS, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 124711 (Sub-74TA), filed December 6, 1978. Applicant: BECKER CORPORATION, P.O. Box 1540, Edmond, OK 73034. Representative: Norman A. Cooper, P.O. Box 1050, El Dorado, KS 67042. *Sulphuric Acid*, in bulk, in tank vehicles, from Tulsa, OK, to points in AR, IA, KS, LA, MO, NE, and TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Ozark-Mahoning Company, 1870 South Boulder, Tulsa, OK 74119. Send protests to: M. E. Taylor, I.C.C., 101 Litwin Bldg., Wichita, KS 67202.

MC 124711 (Sub-No. 75TA), filed December 2, 1978. Applicant: BECKER CORP., P.O. Box 1540, Edmond, OK 73034. Representative: Norman A. Cooper, P.O. Box 1050, El Dorado, KS 67042. *Anhydrous ammonia*, in bulk, in tank vehicles, from Mapco Pipeline Terminal near Mocane, Oklahoma, to points in Kansas, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Olin Corp., P.O. Box 991, Little Rock, AR 72203. Send protests to: M. E. Taylor, I.C.C., 101 Litwin Bldg., Wichita, KS 67202.

MC 126305 (Sub-108TA), filed December 27, 1978. Applicant: BOYD BROTHERS TRANSPORTATION COMPANY, INC., R.D. 1, Clayton, Alabama 36016. Representataive: George A. Olsen, P.O. Box 357, Gadstone, N.J. 07934. *Iron and Steel Fabricated Pipe*, from the facilities of Baumann Coatings, Inc., Bessemer, Alabama, to Rockport and Jefferson County, Indiana, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Baumann Coatings, Inc., 2095 4th Avenue, S.W., Bessemer, AL 35020. Send protests to: Mabel E. Holston, Trans. Asst., I.C.C., Room 1616, 2121 Bldg., Birmingham, AL 35203.

MC 133154 (Sub-8 TA), filed December 29, 1978. Applicant: BELL TRANSPORT COMPANY, 16036 Valley Boulevard, Fontana, CA 92335. Representative: Jerry I. Michael, Traffic Manager, 16036 Valley Boulevard, Fontana, CA 92335. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plate or Sheet Steel in bundles* from plant sites of Natter Manufacturing, a Division of VSI Corporation at or near Covina, CA and/or Temple City, CA to new plant site at or near Salt Lake City, UT, and (2) *Computer Panels and Parts thereof* from new plant site at or near Salt Lake City, UT to points in AZ, CA, and CO, originating at or destined to the facilities of Natter Manufacturing, a Division of VSI Corporation at or near Salt Lake City, UT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Natter Manufacturing, a Division of VSI Corp., 9449 Gidley St., Temple City, CA 91780. Send protests to: Irene Carlos, Trans. Asst., I.C.C., Rm. 1321, Federal Bldg., 300 North Los Angeles St., Los Angeles, CA 90012.

MC 134064TA, filed December 18, 1978. Applicant: INTERSTATE TRANSPORT, INC., 1820 Atlanta Highway, Gainesville, GA 80501. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. *Petroleum products* (except in bulk), from the facilities of Witco Chemical Corporation, at or near Bradford, PA, to points in AL, FL, GA, and SC, for 180 days. Supporting shipper(s): Witco Chemical Corp., 77 North Kendall Ave., Bradford, PA 16701. Send protests to: Sara K. Davis, Trans. Asst., I.C.C., 1252 West Peachtree St., N.W., Rm. 300, Atlanta, GA 30309.

MC 134105 (Sub-41TA), filed December 28, 1978. Applicant: CELERYVALE TRANSPORT, INC., 1318 East 23rd Street, Chattanooga, Tennessee 37404. Representative: Daniel O. Hands, Attorney at Law, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. *Meat, meat products, meat by-*

products and articles distributed by meat packing houses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of John Morrell & Co., at or near Montgomery, AL to points in the United States in and east of TX, OK, KS, NE, SD, and ND, restricted to traffic originating at the named origin and destined to the named destinations for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: John Morrell & Co., 208 South LaSalle Street, Chicago, Illinois 60604. Send protests to: Glenda Kuss, Trans. Asst., I.C.C., Suit A-422, U.S. Courthouse 801 Broadway, Nashville, TN 37203.

MC 134134 (Sub-33TA), filed December 29, 1978. Applicant: MAINLINER MOTOR EXPRESS, INC., 4202 Dahlman Avenue, P.O. Box 7439, Omaha, Nebraska 68107. Representative: Lavern R. Holdeman, 521 South 14th St., Suite 500, P.O. Box 81849, Lincoln, Nebraska 68501. *Meats, meat products, meat by-products, and articles distributed by meat packinghouses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides) from the facilities of Armour Food Company at or near Omaha, NE, to points in OH and Washington D.C. and points in its commercial zone, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days operating authority. Supporting shipper: Armour Food Company, D. W. Long, Transportation-Distribution Manager, 5024 South 33rd Street, Omaha, NE. Send protests to: Carroll Russell, I.C.C., Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 134404 (Sub-42TA), filed December 27, 1978. Applicant: AMERICAN TRANS-FREIGHT, INC., P.O. Box 796, Manville, NJ 08835. Representative: Eugene M. Malkin, Suite 6193, 5 World Trade Center, New York, NY 10048. Authority sought to operate as a *contract carrier,* by motor vehicle over irregular routes transporting: *Cleaning products, toilet preparations, nutritional foods, and materials, supplies and equipment* used in the manufacture, distribution or sale of the above named commodities (except commodities in bulk), from Dayton, OH and Nashville, TN to Denver, CO, Jacksonville, FL, Atlanta, GA, Bedford Park, Chicago and Peoria, IL, Kansas City, KS, Baltimore, MD, Detroit, MI, St. Louis, MO, Elizabeth, NJ, Syracuse, NY, Charlotte, NC, Columbus and Cincinnati, OH, East Stroudsburg, Philadelphia and Pittsburgh, PA, Saylesville, RI, Dallas, TX and Richmond, VA, under a continuing contract or contracts with The Drackett Products Company, Division of Bristol Meyers Company of Cincinnati, OH for 180 days. Supporting shipper(s): The Dracket Products Company, 5020 Spring Grove Avenue, Cincinnati, OH 45232. Send protests to: Robert E. Johnston, I.C.C., 9 Clinton St., Newark, NJ 07102.

MC 134755 (Sub-166TA), filed January 5, 1979. Applicant: CHARTER EXPRESS, INC., P.O. Box 3772, Springfield, MO 65804. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. (1) *Petroleum, petroleum products, vehicle body sealer and/or sound deadener compounds, and filters,* from points in Warren County, MS, to points in AR, AZ, CA, CO, IA, IL, IN, KS, MI, MN, MO, NE, NV, NM, OK, OR, TX, UT, WA, and WI, (2) *Petroleum, petroleum products, vehicle body sealer and/or sound deadener compounds, filters, materials, supplies, and equipment as are used in the manufacture, sale, and distribution of the commodities named in Part* (1) *above,* from points in IL, IN, and OK, to points in Warren County, MS. Restriction: (1) and (2) restricted against the transportation of commodities in bulk, in tank vehicles, and to shipments originating at or destined to the facilities of Quaker State Refining Corporation in Warren County, MS, for 180 days. Supporting shipper(s): Quaker State Oil Refining Corp., P.O. Box 989, Oil City, PA 16301. Send protests to: John V. Barry, I.C.C., 600 Federal Bldg., 910 Walnut St., Kansas City, MO 64106.

MC 135078 (Sub-36TA), filed December 8, 1978. Applicant: AMERICAN TRANSPORT, INC., 7850 "F" Street Omaha, NE 68127. Representative: Arthur J. Cerra, 2100 TenMain Center, P.O. Box 19251, Kansas City, MO 64141. *Such commodities* as are dealt in, sold and used by retail department stores and mail order houses, (except foodstuffs, plumbing fixtures and supplies, and commodities in bulk), From (a) the commercial zones of Boston, MA, and New York, NY, to the facilities of P. N. Hirsch & Company at Vandalia, IL, and Kansas City, MO, and (b) said facilities of Vandalia, IL, to the said facilities at Kansas City, MO, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Walter E. Hanson, Traffic Manager, P. N. Hirsch & Company, a Division of Interco, 2001 Walton Road, St. Louis, MO 63114. SEND PROTESTS TO: Carroll Russell DS, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 135410 (Sub-37TA), filed December 19, 1978. Applicant: COURTNEY J. MUNSON, d.b.a. MUNSON TRUCKING, P.O. Box 266, North 6th Street Road, Monmouth, IL 61462. Representative: Daniel O. Hands, Attorney at Law, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. *Animal and poultry feed* (except in bulk), from the facilities of Doane Products Company at Muscatine, IA to points in CT, IL, IN, KY, MD, MA, MI, NJ, NY, OH, PA, VA, WV and WI, restricted to traffic originating at the named origin and destined to the named destinations for 180 days. An underlying ETA has been filed for 90 days authority. SUPPORTING SHIPPER(S): Doane Products Company, P.O. Box 879, Joplin, MO 64801. SEND PROTESTS TO: Charles Little, 414 Leland Office Building, 527 E. Capitol Avenue, Springfield, IL 62701.

MC 135633 (Sub-15TA), filed January 2, 1979. Applicant: NATIONWIDE AUTO TRANSPORTERS, INC., 140 Sylvan Avenue, Englewood Cliffs, NJ 07532. Representative: Allen F. Herman, 140 Sylvan Avenue, Englewood Cliffs, NJ 07632. *Trucks, in drive-away service in secondary or subsequent movements,* between points in the U.S. including AK, but excluding HI, for 180 days. An underlying ETA seeks 90 days authority. There are approximately 40 statements of support that can be examined at the Commission's office. SEND PROTESTS TO: Joel Morrows, I.C.C., 9 Clinton Street, Newark, NJ 07102.

MC 135874 (Sub-152TA), filed January 4, 1979. Applicant: LTL PERISHABLES, INC. 550 East 5th Street, South St Paul, MN 55075. Representative: K. O. Petrick, 550 East 5th Street, South St Paul, MN 55075. *Alcoholic beverages* (except commodities in bulk), from New York, Canandaigua, Hammondsport, and Greenwich, NY, Little Ferry, NJ, Bardstown, Louisville, KY, Schaefferstown, PA, St. Louis, MO, Lawrenceburg, IN, Allen Park and Detroit, MI, and Lynchburg, TN to Sioux Falls, SD. Restricted to traffic originating at the named origins of in foreign commerce and destined to Sioux Falls, SD, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Sioux Falls Wholesale Company, P.O. Box 925, Sioux Falls, SD 57101. SEND PROTESTS TO: Delores A. Poe, Trans. Asst., I.C.C., 414 Federal Bldg. & U.S. Courthouse, 110 South 4th St., Minneapolis, MN 55401.

MC 136605 (Sub-84TA), filed December 28, 1978. Applicant: DAVIS BROS. DIST., INC., 216 Trade St., Missoula, MT 59807. Representative: Allen P. Felton, 216 Trade St., Missoula, MT 59807. *Lumber, lumber products, wood, wood products and forest products* from points in MT to points in ND, SD, MN, WI, IL, CA, NE, KS, MO, IA, UT, WY, NM, NV, TX and OK, for 180

days. An underlying ETA seeks 90 days authority. There are approximately (12) statements of support attached to this application which may be examined at the I.C.C., in Wash. D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: Paul J. Labane, I.C.C., 2602 1st Ave. North, Billings, MT 59101.

MC 140166 (Sub-7TA), filed December 14, 1978. Applicant: JOHN B. McNABB d.b.a. McNABB FARMS, P.O. Box 4366, Pocatello, Idaho 83201. Representative: Dennis M. Olsen, 485 "E" Street, Idaho Falls, Idaho 83401. *Animal and poultry feed and feed ingredients,* between Pocatello, Idaho and points in Wheatland, Bighorn, Golden Valley, Musselshell, Treasure, Yellowstone, Stillwater and Sweetgrass in MT. SUPPORTING SHIPPER(S): Ralston Purina Company, 835 South 8th Street, St. Louis, MO 63188. Applicant has filed an underlying ETA seeking up to ninety days of operating authority. SEND PROTESTS TO: Barney L. Hardin, I.C.C. Suite 110, 1471 Shoreline Dr., Boise, ID 83706.

MC 140563 (Sub-18TA), filed December 21, 1978. Applicant: W. T. MYLES TRANSPORTATION CO., P.O. Box 321, Conley, GA 30027. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. (1) *Fibrous glass products and materials, mineral wool, mineral wool products and materials insulated air ducts, insulating products and materials; glass fibre rovings; yarn and strands; glass fibre mats and mattings; flexible air ducts,* (except commodities in bulk), and (2) *Materials, equipment and supplies* used in the manufacture of commodities named in (1) above, (except in bulk), between the facilities of CertainTeed Corporation located at or near Williamstown Junction, NJ, and in Camden and Cumberland Counties, NJ, on the one hand, and, on the other, points in AL, GA, IN, KY, MI, NC, OH, SC, TN, VA and WV, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): CertainTeed Corporation, Insulation Group, P.O. Box 860, Valley Forge, PA 19482. SEND PROTESTS TO: Sara K. Davis Transp. Asst., ICC, 1252 West Peachtree Street, N.W., Room 300, Atlanta, GA 30309.

MC 140563 (Sub-22TA), filed December 19, 1978. Applicant: W. T. MYLES TRANSPORTATION CO., P.O. Box 321, Conley, GA 30027. Representative: Archie B. Culbreth, Suite 202, 220 Century Parkway, Atlanta, GA 30345. (1) *Waste newspapers, cores, and other supplies, materials, and equipment used in the manufacture or distribution of newsprint paper* (except commodities in bulk), from points in AL, FL, NC, SC, and TN to Laurens County, GA, and (2) Newsprint paper, from Laurens County, GA to points in AL, AR, FL, GA, IL, IN, KS, KY, LA, MD, MS, MO, NC, OH, OK, PA, SC, TN, TX, VA and WV, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Southeast Paper Manufacturing Co., P.O. Box 1169, Dublin, GA 31021. SEND PROTESTS TO: Sara K. Davis, Trans. Asst., I.C.C., 1252 W. Peachtree St., N.W., Rm. 300, Atlanta, GA 30309.

MC 140829 (Sub-174TA), filed December 14, 1978. Applicant: CARGO CONTRACT CARRIER CORP., P.O. Box 206, U.S. Highway 20, Sioux City, IA 51102. Representative: William J. Hanlon, 55 Madison Ave., Morristown, NJ 07960. *Canned and preserved foodstuffs,* from the facilities of Heinz U.S.A., Division of H. J. Heinz Co., at or near Pittsburgh, PA, to points in the states of AR, NM, OK, and TX, restricted to traffic originating at the named facilities and destined to points in the named destination states, for 180 days. SUPPORTING SHIPPER(S): William L. Reeder, Coordinator-Distribution Planning, Heinz U.S.A., Division of H. J. Heinz Company, P.O. Box 57, Pittsburgh, PA 15230. SEND PROTESTS TO: Carroll Russell, I.C.C., Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 140859 (Sub-8TA), filed December 28, 1978. Applicant: WESTERN KENTUCKY TRUCKING, INC., 1245 Center Street, P.O. Box 1072, Henderson, KY 42420. Representative: George M. Catlett, 708 McClure Building, Frankfort, KY 40601. *Foodstuffs,* (except frozen), *materials, equipment, and supplies* used in the manufacture, sale or distribution of foodstuffs, (except frozen), between Owensboro and Henderson, KY, on the one hand, and, on the other, points in IL, IN, MO, KY, TN, and that part of OH on and south of Interstate Highway 70, for 180 days. SUPPORTING SHIPPER(S): Charles H. Powell, Divisional Traffic Mgr., Ragu Foods, Inc., 33 Benedict Place, Greenwich, CT 06830. SEND PROTESTS TO: Linda H. Sypher DS, ICC, 426 Post Office Building, Louisville, KY 40202.

MC 142941 (Sub-21TA), filed December 28, 1978. Applicant: SCARBOROUGH TRUCK LINES, INC., 1313 North 25th Avenue, Phoenix, AZ 85009. Representative: Joseph Winter, 29 South LaSalle Street, Chicago, IL 60603. *Powered lawn mowers, powered snow throwers, and powered turf equipment,* From the facilities of Trade Winds Company, Inc., at Manawa, WI, and the facilities of Outboard Marine Corporation at Galesburg, IL, to points in the United States, (except Alaska and Hawaii), for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Outboard Marine Corporation, 100 Sea-Horse Drive, Waukegan, IL 60085. SEND PROTESTS TO: Andrew V. Baylor DS, ICC, Room 2020 Federal Building, 230 North First Avenue, Phoenix, AZ 85025.

MC 143027 (Sub-5TA) filed December 18, 1978. Applicant: MICHAEL J. RESUDEK, d.b.a. CAPITAL AIR FREIGHT, 3533 International Lane, Madison, Wisconsin 53704. Representative: Michael S. Varda, 121 South Pinckney Street, Madison, Wisconsin 53703. *General commodities* (except commodities in bulk, classes A and B explosives, household goods as defined by the Commission, articles of unusual value, and commodities which because of size or weight require the use of special equipment), between points in Iowa, Marquette and Sauk Counties, WI, on the one hand, and, on the other, Dane County Regional Airport, at or near Madison, WI, restricted to the transportation of traffic having a prior or subsequent movement by air, for 180 days. An underlying ETA seeks 90 days authority. Approximately 6 shipper support statements are attached. Send protests to: John E. Ryden, District Supervisor, Room 619, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, Milwaukee, Wisconsin 53202.

MC 143267 (Sub-41TA), filed December 26, 1978. Applicant: CARLTON ENTERPRISES, INC., 4588 State Route 82, Mantua, OH 44255. Representative: Neal A. Jackson, 1155 15th Street, N.W., Washington, D.C. 20005. *Aluminum and aluminum articles* from the facilities of Kaiser Aluminum & Chemical Corporation, at or near Ravenswood, WV, to points in the United States in and east of MN, IA, MO, AR and LA for 180 days. Supporting shipper(s): Kaiser Aluminum & Chemical Corporation, P.O. Box 98, Ravenswood, WV 26164. Send protests to: Mary Wehner, DS, I.C.C., 731 Federal Bldg., Cleveland, OH 44199.

MC 143701 (Sub-5TA), filed January 5, 1979. Applicant: WILLIAM OBERSTE, INC., 628 Walnut, P.O. Box 394, Blue Springs, MO 64015. Representative: Lester C. Arvin, 814 Century Plaza Bldg., Wichita, KS 67202. *Sugar,* from the facilities of Godchaux-Henderson Sugar Co., Inc. at or near Reserve and Kenner, Louisiana to the states of AL, AR, FL, GA, IL, IA, KY, MS, MO, NC, OH, OK, SC, TN, TX, VA, WV, WI, IN, KS, MI and NE, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Godchaux-Henderson Sugar Company, Inc., P.O. Drawer AM, Reserve, LA 70084. Send protests to: Vernon V. Coble, I.C.C., 600 Feder-

al Bldg., 911 Walnut Street, Kansas City, MO 64106.

MC 143868 (Sub-6TA), filed December 13, 1978. Applicant: R.E.T.E.N.O. CARRIERS, INC., 2001 North Tuler, Suite H, So. El Monte, CA 91733. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic sheets or sheeting, with or without backing*, from Long Beach, CA, to Tupelo, MS, Hickory, NC, Morristown, TN and South Boston, VA and to points in IL, IN, MA, MI, NJ, NY, OH, PA and WI, for 180 days. Supporting shipper(s): Formosa Plastics Group (USA), Inc., 4130 Santa Fe Avenue, P.O. Box 1440, Long Beach, CA 90801. Send protests to: Irene Carlos, Trans. Asst., I.C.C., Rm. 1321 Federal Bldg., 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 143995 (Sub-12TA), filed December 19, 1978. Applicant: SLOAN TRANSPORTATION, INC., 6522 West River Drive, Davenport, IA 52802. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from the facilities of Heinz U.S.A., Div., of H. J. Heinz Co., at or near Iowa City, IA, to points in MO, and points in IL on and south of Interstate 70, under a continuing contract(s) with J. J. Heinz Co., restricted to traffic originating at the named facilities and destined to the named states, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Heinz U.S.A., Division of H. J. Heinz Co., P.O. Box 57, Pittsburgh, PA 15230. Send protests to: Herbert W. Allen DS, ICC, 518 Federal Building, Des Moines, IA 50309.

MC 144438 (Sub-4 TA), filed December 14, 1978. Applicant: COUNTY LINE TRUCKING, INC., 224 N. Defiance St., Archbold, OH 43502. Representative: Michael M. Briley, 300 Madison Ave., 12th Fl., Toledo, OH 43603. *Meats, meat products, meat by-products and commodities distributed by meat packinghouses* (except in cans or bottles and except commodities in bulk in tank vehicles), from the facilities of Dinner Bell Foods, Inc. at Archbold, OH to Windsor Locks, CT; Baltimore, MD; Boston, MA; Buffalo, New York, and Rochester, NY (and points within the respective commercial zones of each city), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Dinner Bell Foods, Inc., P.O. Box 388, Defiance OH 43512. Send protests to: District Supervisor, 313 Federal Building, 234 Summit Street, Toledo, Ohio 43604.

MC 144572 (Sub-8 TA), filed December 27, 1978. Applicant: MONFORT TRANSPORTATION COMPANY, P.O. Box G, Greeley, CO 80631. Representative: John T. Wirth, 717—17th Street, Suite 2600, Denver, CO 80202. *General commodities* (except classes A and B explosives, commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from the facilities of Universal Car Loading and Distribution, Inc. in the commercial zones of North Haven, CT; Boston, MA; Baltimore, MD; Newark, NJ; New York, NY; and Philadelphia, PA to the commercial zones of Phoenix, AZ; Los Angeles and San Francisco, CA; Denver, CO; Chicago, IL; Minneapolis, MN; Kansas City and St. Louis, MO; Portland, OR; Memphis, TN; and Seattle, WA, for 180 days. Restriction: Restricted to shipments which are at the time moving on bills of lading issued by Universal Car Loading and Distribution, Inc., a freight forwarder operating under part IV of the Interstate Commerce Act for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Universal Car Loading and Distributing, Inc., 345 Hudson St., New York, NY 10014. Send protests to: Roger L. Buchanan, I.C.C., 492 U.S. Customs House, 721 19th St., Denver, CO 80202.

MC 144865 (Sub-2 TA), filed December 27, 1978. Applicant: JASCO TRUCKING, INC., 202 94th Street, S.W., Albuquerque, NM 87105. Representative: Campbell, Cherpelis & Pica, Suite 405, 20 First Plaza, Albuquerque, NM 87102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, From the Chimney Rock Mine located approximately 10 miles south of Chimney Rock, near Highway 151, Archuleta County, CO, to the Ideal Basic Industries, Inc., plant, Tijeras, Bernalillo County, NM., under a continuing contract, or contracts, with The Ideal Basic Industries, Inc., plant for 90 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ideal Basic Industries, Cement Division, P.O. Box 8789, 950 17th Street, Denver, CO. 80201. Send protests to: DS, ICC, 1106 Federal Office Building, 517 Gold Avenue, S.W., Albuquerque, NM 87101.

MC 145150 (Sub-5 TA), filed December 26, 1978. Applicant: HAYNES TRANSPORT CO., INC., P.O. Box 9, R. R. No. 2, Salina, KS 67401. Representative: Clyde N. Christey, KS Credit Union Building, Suite 110L, 1010 Tyler, Topeka, KS 66612. *Dry fertilizer*, (in bulk), (a) from Tulsa, OK, to points in KS and MO; (b) from Joplin, MO, to points in KS; and (c) from points in Cherokee County, KS, to points in MO, and OK, for 180 days. Applicant states it does not intend to tack or interline. An underlying ETA seeks 90 days authority. Supporting shipper(s): C & S Trading and Brokerage, dba CSTB, Inc., 78A Parsons Plaza, Parsons, KS 67357. (2) Agrico Chemical Co., P.O. Box 3166, Tulsa, OK 74101. Send protests to: Thomas P. O'Hara, DS, ICC, 256 Federal Building & U.S. Courthouse, 444 S.E. Quincy, Topeka, KS 66683.

MC 145726 (Sub-2TA), filed December 27, 1978. Applicant: G. P. THOMPSON ENTERPRISES, INC., P.O. Box 146, Midway, AL 36053. Representative: Terry P. Wilson, 420 South Lawrence Street, Montgomery, AL 36104. *Meat, meat products, meat by-products, and articles distributed by meat-packinghouses as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766* (except hides and commodities in bulk), from the facilities of John Morrell & Co., at Montgomery, AL, to all points in all States in and east of TX, OK, KS, NE, SD and ND., for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPERS(S): John Morrell & Co., 208 South LaSalle Street, Chicago, IL 60604. SEND PROTESTS TO: Mabel E. Holston Transp. Asst., ICC, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 145802 (Sub-1TA), filed December 28, 1978. Applicant: RONALD E. REED, d/b/a TRIPLE R TRUCKING, RFD, Laurens, IA 50554. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. *Meat, meat products and meat by-products, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Hygrade Food Products Corporation at or near Storm Lake and Cherokee, IA, to points in FL, GA, IL, LA, and MI, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Hygrade Food Products Corporation, P.O. Box 4771, Detroit, MI 48219. SEND PROTESTS TO: Herbert W. Allen, DS, ICC, 518 Federal Building, Des Moines, IA 50309.

MC 145870 (Sub-1TA), filed December 28, 1978. Applicant: L-J-R HAULING, INCORPORATED, P.O. Box 699, Dublin, VA 24084. Representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, D.C. 20001. *Coal*, (1) from Allen, KY and Harlan, KY to points in VA, and (2) from Roanoke,

VA to points in FL, GA, and SC for 180 days. Applicant has also filed an underlying application seeking up to 90 days of emergency temporary authority. SUPPORTING SHIPPER: J. P. Gardner Coal Co., 705 Campbell Ave., S.E., Roanoke, VA. SEND PROTESTS TO: Paul D. Collins, I.C.C., 110-502, Federal Bldg., 400 North Eighth St., Richmond, VA 23240.

MC 145870 (Sub-2TA), filed December 28, 1978. Applicant: L-J-R HAULING, INCORPORATED, P.O. Box 699, Dublin, VA 24084. Representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, D.C. 20001. *Fabricated steel, kiln cars, and mining equipment,* from the facilities of Enterprise Fabricators, Inc., at Bristol, VA to points in AL, AR, FL, GA, IL, IN, KY, LA, MD, MI, MS, MO, NC, OH, PA, SC, TN, VA and WV, for 180 days. Applicant has also filed an underlying application seeking up to 90 days of emergency temporary authority. SUPPORTING SHIPPER: Enterprise Fabricators, Inc., P.O. Box 151, Bristol, VA 24201. SEND PROTESTS TO: Paul D. Collins, I.C.C. 10-502 Federal Bldg., 400 North Eighth St., Richmond, VA 23240.

MC 145882 (Sub-1TA), filed December 26, 1978. Applicant: KUVASZOK TRANSPORT, INC., 1630 Rhonda Road, St. Joseph, MI 49085. Representative: J. Joseph Daly, P.O. Box 558, St. Joseph, MI 49085. (1) *Sand,* in bulk, from points in LaSalle County, IL and Berrien County, MI, to points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV and WI, (2) *Dry fertilizer, fertilizer material, and dry urea,* all in bulk or in bags, from the plant sites of C. F. Industries, Inc., at or near Terre Haute, IN, and Mapleton, IL, to points in MI, for 180 days. Supporting shipper(s): Manley Bros., P.O. Box 538, Chesterton, IN 46304. Farm Bureau Services, Inc., 7373 West Saginaw Highway, Lansing, MI 48917. Send protests to: C. R. Flemming, I.C.C., 225 Federal Bldg., Lansing, MI 48933.

MC 145918 (Sub-1TA), filed December 28, 1978. Applicant: 1st O & D, INC., 2035 South Halsted, Chicago, IL 60608. Representative: James Robert Evans, 145 W. Wisconsin Avenue, Neenah, WI 54956. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Motor oil and such commodities as are dealt in by automotive departments of retail stores,* (except commodities in bulk), from Chicago, IL to points in AL, AR, CO, CT, DE, GA, IN, IA, KS, KY, LA, MA, MI, MN, MS, MO, NE, NJ, NY, NC, ND, OH, OK, PA, SC, SD, TN, VA, WV and WI under a continuing contract or contracts, with Sovereign Oil Company, Chicago, IL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Richard A. Stiefel, President, Sovereign Oil Company, 6801 West 66th Place, Chicago, IL 60638. Send protests to: Lois M. Stahl Transp. Asst., ICC, 219 S. Dearborn Street, Room 1386, Chicago, IL 60604.

MC 145926 (Sub-1TA), filed December 29, 1978. Applicant: HALL BROS. TRANSPORTATION CO., INC., State Road 37 North, Orleans, IN 47452. Representative: Alki E. Scopelitis, Scopelitis & Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. Authority sought to operate as a *contract carrier,* over irregular routes, transporting: (1) *Automobile parts,* from Bedford, IN, to Detroit, MI, and Chicago, IL, and (2) *Materials, equipment and supplies,* used in the manufacture and distribution of automobile parts (except commodities in bulk), from Detroit and Fowlerville, MI; Chicago, IL; and Milwaukee, WI, to Bedford, IN, restricted to a contract or continuing contracts with Ford Aerospace & Communications Corporation, Division of Ford Motor Company, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper: Ford Aerospace & Communications Corporation, Division of Ford Motor Company, 3120 West 16th Street, Bedford, IN 46421. Send protests to: Beverly Williams, Trans. Asst., I.C.C., Federal Bldg. & U.S. Courthouse, 46 East Ohio St., Rm. 429, Indianapolis, IN 46204.

MC 146033TA, filed January 9, 1979. Applicant: LARRY H. WINEBARGER, d/b/a WINEBARGER TRUCK LINES, P.O. Box 244, Lenoir, NC 28645. Representative: Jon F. Hollengreen, 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St., NW., Washington, D.C. 20004. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *New furniture,* from Lenoir, NC, to CA, ID, NV, OR, UT and WA, and (2) *new furniture parts, and materials, equipment and supplies* used in the manufacture and distribution of new furniture, from CA, OR, MO and WA, to Lenoir, NC, under a continuing contract or contracts with Singer Furniture Division, for 180 days. Supporting Shipper(s): Singer Furniture Division, P.O. Box 1588, Lenor, NC 28645. Send protests to: Terrell Price, I.C.C., 800 Briar Creek Rd., Rm. CC516, Mart Office Bldg., Charlotte, NC, 28205.

By the Commission.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-4639 Filed 2-9-79; 8:45 am]

[7035-01-M]

[Notice No. 20]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 5, 1979.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

NOTE.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

MOTOR CARRIERS OF PROPERTY

MC 2900 (Sub-351TA), filed December 20, 1978. Applicant: RYDER TRUCK LINES, INC., P.O. Box 2408, Jacksonville, FL 32203. Representative: S. E. Somers, Jr., P.O. Box 2408, Jacksonville, FL 32203. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, commodities in bulk, those requiring special equipment, those of unusual value, and household goods as defined by the Commission)—

1. Between Helena, AR and Minden, LA: From Helena over U.S. Highway 49 to Junction U.S. Highway 79, then

over U.S. Highway 79 to Minden and return.

2. Between Little Rock, AR and Tallulah, MS: From Little Rock over U.S. Highway 65 to Vicksburg and return.

3. Between Little Rock, AR and Ruston, LA. From Little Rock over U.S. Highway 167 to Ruston and return.

4. Between Little Rock, AR and the junction of U.S. Highway 67 and 290 near Ft. Stockton, TX: From Little Rock over U.S. Highway 67 to the junction U.S. Highway 290 and return.

5. Between Little Rock, AR and DeQueen, AR: From Little Rock over U.S. Highway 70 to DeQueen and return.

6. Between the junction of U.S. Highway 65 and 165 and Monroe, LA: From the junction of U.S. Highway 65 and 165 over U.S. Highway 165 to Monroe and return.

7. Between the junction of U.S. Highway 70 and 71 and Alexandria, LA: From the junction of U.S. Highway 70 and 71 over U.S. Highway 71 to Alexandria and return.

8. Between Shreveport, LA and Alexandria, LA: From Shreveport over LA Highway 1 to Alexandria and return.

9. Between Lake Village, AR and Lubbock, TX: From Lake Village over U.S. Highway 82 to Lubbock and return.

10. Between Shreveport, LA and Lake Charles, LA: From Shreveport over U.S. Highway 171 to Lake Charles and return.

11. Between Texarkana, AR and Houston, TX: From Texarkana over U.S. Highway 59 to Houston and return.

12. Between the junction of U.S. Highway 84 and LA 1 and Lubbock, TX: From the junction of U.S. Highway 84 and LA 1 over U.S. Highway 84 to Lubbock and return.

13. Between Idabel, OK and the junction of U.S. Highway 59 and 259 near Nacogdoches, TX: From Idabel over U.S. Highway 259 to the junction of U.S. Highway 59 and return.

14. Between Shreveport, LA and Round Rock, TX: From Shreveport over U.S. Highway 79 to Round Rock and return.

15. Between Shreveport, LA and El Paso, TX: From Shreveport over U.S. Highway 80 (also over Interstate Highway 20) to El Paso and return.

16. Between Hugo, OK and Tyler, TX: From Hugo over U.S. Highway 271 to Tyler and return.

17. Between Denison, TX and Beaumont, TX: From Denison over U.S. Highway 69 to Beaumont and return.

18. Between Tyler, TX and Corsicana, TX: From Tyler over TX Highway 31 to Corsicana and return.

19. Between Dallas, TX and Houston, TX: From Dallas over U.S. Highway 75 to Houston and return.

20. Between Kinder, LA and Brady, TX: From Kinder over U.S. Highway 190 to Brady and return.

21. Between Kinder, LA and Iowa, LA: From Kinder over U.S. Highway 165 to Iowa and return.

22. Between Houston, TX and Austin, TX: From Houston over U.S. Highway 290 to Austin and return.

23. Between Waco, TX and Hempstead, TX: From Waco over TX Highway 6 to Hempstead and return.

24. Between Perry, OK and Giddings, TX: From Perry over U.S. Highway 77 to Giddings and return.

25. Between Ponca City, OK and Bartlesville, OK: From Ponca City over U.S. Highway 60 to Bartlesville and return.

26. Between Ponca City, OK and Warwick, OK: From Ponca City over U.S. Highway 177 to Warwick and return.

27. Between Tulsa, OK and Amarillo, TX: From Tulsa over U.S. Highway 64 to Enid, OK, then over U.S. Highway 60 to Amarillo and return.

28. Between Enid, OK and Austin, TX: From Enid over U.S. Highway 81 to Austin and return.

29. Between Seiling, OK and Austin, TX: From Seiling over U.S. Highway 183 to Austin and return.

30. Between Oklahoma City, OK and Amarillo, TX: From Oklahoma City over U.S. Highway 66 to Amarillo and return.

31. Between Arnett, OK and Brady, TX: From Arnett over U.S. Highway 283 to Brady and return.

32. Between the junction U.S. Highway 60 and 83 south of Canadian, TX and Junction, TX: From the junction of U.S. Highways 60 and 83 over U.S. 83 to junction and return.

33. Between Oklahoma City, OK and San Antonio, TX: From Oklahoma City over H. E. Bailey Turnpike to Lawton, OK (also from Oklahoma City over T.S. Highway 277 to Lawton), then over U.S. Highway 281 to San Antonio and return.

34. Between Amarillo, TX and Ft. Worth, TX: From Amarillo over U.S. Highway 287 to Ft. Worth and return.

35. Between Dumas, TX and San Antonio, TX: From Dumas over U.S. Highway 87 to San Antonio and return.

36. Between Dumas, TX and Pampa, TX: From Dumas over TX Highway 152 to Pampa and return.

37. Between Amarillo, TX and Borger, TX: From Amarillo, over U.S. Highway 136 to Borger and return.

38. Between Lubbock, TX and McCamey, TX: From Lubbock over U.S. Highway 82 to junction U.S. Highway 385, then over U.S. Highway 385 to McCamey and return.

39. Between Greenville, TX and Brownfield, TX: From Greenville over U.S. Highway 380 to Brownfield and retun.

40. Between Wichita Falls, TX and Sonora, TX: From Wichita Falls over U.S. 277 to Sonora and return.

41. Between Durant, OK and Davidson, OK: From Durant over U.S. 70 to Davidson and return.

42. Between Denton, TX and Stephenville, TX: From Denton over U.S. 377 to Stephenville and return.

43. Between Brownwood, TX and Brady, TX: From Brownwood over U.S. Highway 377 to Brady and return.

44. Between San Antonio, TX and El Paso, TX: From San Antonio over Interstate Highway 10 to the junction of U.S. Highway 290, then over Interstate 10 (also portions of U.S. Highway 290) to El Paso and return.

45. Between Fredericksburg, TX and the junction of U.S. Highway 290 and Interstate Highway 10: From Fredericksburg over U.S. Highway 290 to its junction with Interstate Highway 10 and return.

46. Between Houston, TX and San Antonio, TX: From Houston over U.S. 90 to San Antonio and return.

47. Service on routes 1 through 45 above is authorized to and from all intermediate points. Also, serving Sheerin and Sunray, TX as off route points, for 180 days.

Applicant seeks (a) to serve all places in the commercial zone of each authorized point, (b) to tack this authority with that issued in MC-2900 and subs thereto, and (c) to interline. Supporting shippers: There are approximately 449 statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, DC or copies thereof which may be examined at the field office named below. Send protests to: G. H. Fauss, Jr., ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 2900 (Sub-352TA), filed January 5, 1979. Applicant: RYDER TRUCK LINES, INC., P.O. Box 2408, Jacksonville, FL 32203. Representative: R. E. Allish (same as above). *General commodities* (except those of unusual value, commodities in bulk, those requiring special equipment, household goods as defined by the Commission and Classes A and B explosives) between the facilities of Mercury Marine, Division Brunswick Corp., at or near Stillwater, OK and points in the states of AR, FL, GA, IL, IN, IA, KS, KY, MI, MN, MO, NE, NY, NC, OH, PA, SC, TN, TX, and WI, for 180 days. SUPPORTING SHIPPER(S): Mercury Marine Div. Brunswick, Corp., 1939 Pioneer Road, Fond Du Lac, WI 54935. SEND PROTESTS TO: G. H. Fauss, Jr., ICC, Box 35008, 400 West Bay St., Jacksonville, FL 32202.

MC 18738 (Sub-48TA), filed December 27, 1978. Applicant: SIMS MOTOR TRANSPORT LINES, INC., 610 W. 138th Street, Riverdale, IL 60627. Representative: Eugene Cohn, One North LaSalle Street, Chicago, IL 60606. *Iron and steel products,* between the following points or areas: between Chicago, IL and Kenosha, WI and Racine Counties in WI, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Central Steel and Wire Co., 3000 W. 51st Street, Chicago, IL 60632. SEND PROTESTS TO: Lois M. Stahl, ICC, 219 S. Dearborn Street, Room 1386, Chicago, IL 60604.

MC 18738 (Sub-49TA), filed December 27, 1978. Applicant: SIMS MOTOR TRANSPORT LINES, INC., 610 W. 138th Street, Riverdale, IL 60627. Representative: Eugene Cohn, One North LaSalle Street, Chicago, IL 60606. *Iron and steel products,* between the following points or areas: facilities of A. M. Castle & Co., Franklin Park, IL to facilities of A. M. Castle, Wauwatosa, WI, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): A. M. Castle & Co., 3400 N. Wolf Road, Franklin Park, IL 60131. SEND PROTESTS TO: Lois M. Stahl, ICC, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1386, Chicago, IL 60604.

MC 36918 (Sub-11TA), filed January 2, 1979. Applicant: FASTWAY TRANSPORTATION, INC., 151 Morristown Road, Matawan, NJ 07747. Representative: Thomas F. X. Foley, State Highway 34, Colts Neck, NJ 07722. *Carpets, carpet padding, and materials and supplies* used in the manufacture of carpets and carpet padding, between the facilities of General Felt Industries, Inc., at or near Camden, Trenton, NJ and Eddystone and Philadelphia, PA, on the one hand, and, on the other, points in CT, DE, MA, MD, NJ, NY, PA, RI, DC, Charlottesville, Hampton, Norfolk, Richmond and Virginia Beach, VA, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): General Felt Industries, Inc., Park 80 Plaza W.-1, Saddlebrook, NJ 07662. SEND PROTESTS TO: ICC, 428 East State Street, Room 204, Trenton, NJ 08608.

MC 41432 (Sub-159TA), filed December 8, 1978. Applicant: EAST TEXAS MOTOR FREIGHT LINES, INC., P.O. Box 10125, 2355 Stemmons Freeway, Dallas, TX 75207. Representative: Eldon E. Bresee, P.O. Box 10125, 2355 Stemmons Freeway, Dallas, TX 75207. Authority sought to operate as a *common carrier,* by motor vehicle, over *regular* routes, transporting: *General commodities,* except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving all points within the commercial zones of the service points in Routes (1) through (16) below. Applicant requests authority to operate from, to or between the following points or described areas.

(1) Between Memphis, TN and junction TN Hwy. 88 and U.S. Hwy. 79 serving all intermediate points: From Memphis over U.S. Hwy. 51 to junction TN Hwy. 88, then over TN Hwy. 88 to junction U.S. Hwy. 79 and return over the same route.

(2) Between Memphis, TN and Nashville, TN serving the intermediate points between Memphis, TN and Huntingdon, TN including Huntingdon, TN: From Memphis over U.S. Hwy. 70 to junction U.S. Hwy. Alt. 70, then over U.S. Hwy. Alt. 70 to junction U.S. Hwy. 70, then over U.S. Hwy. 70 to Nashville and return over the same route.

(3) Between Brownsville, TN and Huntingdon, TN serving the intermediate point of Jackson, TN and the off-route point of Lexington, TN: From Brownsville over U.S. Hwy. 70 to Huntingdon and return over the same route.

(4) Between Nashville, TN and Knoxville, TN serving the intermediate point of Cookeville, TN and the off-route point of Sparta, TN: From Nashville over Interstate Hwy. 40 to Knoxville and return over the same route.

(5) Between Nashville, TN and Chattanooga, TN serving the intermediate points between Nashville, TN and Murfreesboro, TN including Murfreesboro, TN: From Nashville over U.S. Hwy. 41 to Chattanooga and return over the same route.

(6) Between Memphis, TN and Chattanooga, TN serving no intermediate points: From Memphis over U.S. Hwy. 72 to junction U.S. Hwy. Alt. 72, then over U.S. Hwy. Alt. 72 to junction U.S. Hwy. 72, then over U.S. Hwy. 72 to junction Interstate Hwy. 24, then over Interstate Hwy. 24, to Chattanooga and return over the same route.

(7) Between Chattanooga, TN and Knoxville, TN serving all intermediate points, and the off-route point of Etowah, TN: From Chattanooga over U.S. Hwy. 11 to Knoxville and return over the same route.

(8) Between Knoxville, TN and Maryville, TN serving the intermediate point of Alcoa, TN: From Knoxville over U.S. Hwy. 129 to junction TN Hwy. 73, then over TN Hwy. 73 to junction U.S. Hwy. 411, then over U.S. Hwy. 411 to Maryville and return over the same route.

(9) Between Knoxville, TN and Bristol, VA serving all intermediate points: From Knoxville over U.S. Hwy. 11W and return over the same route.

(10) Between Knoxville, TN and Bristol, VA serving all intermediate points: From Knoxville over U.S. Hwy. 11E to Bristol and return over the same route.

(11) Between Knoxville, TN and Greenville, TN serving the intermediate points of Dandridge, TN and Newport TN: From Knoxville over U.S. Hwy. 70 to junction U.S. Hwy. 411, then over U.S. Hwy. 411 to Greenville and return over the same route.

(12) Between Johnson City, TN and junction U.S. Hwy. 23 and U.S. Hwy. 19 serving the intermediate point of Erwin, TN: From Johnson City over U.S. Hwy. 23 to junction U.S. Hwy. 19 and return over the same route.

(13) Between Johnson City, TN and junction U.S. Hwy. 421 and U.S. Hwy. 70 (U.S. Hwy. 158) serving the intermediate point of Elizabethton, TN: From Johnson City over U.S. Hwy. 321 to junction U.S. Hwy. 421, then over U.S. Hwy. 421 to junction U.S. Hwy. 70 (U.S. Hwy. 158) and return over the same route.

(14) Between Newport, TN and junction Interstate Hwy. 40 and U.S. Hwy. 23 serving no intermediate points: From Newport over Tennessee Hwy. 32 to junction Interstate Hwy. 40, then over Interstate Hwy. 40 to junction U.S. Hwy. 23 and return over the same route.

(15) Between Chattanooga, TN and Atlanta, GA serving no intermediate points: From Chattanooga over U.S. Hwy. 41 to Atlanta and return over the same route.

(16) Between Chattanooga, TN and Birmingham, AL serving no intermediate points: From Chattanooga over U.S. Hwy. 11 to Birmingham and return over the same route.

(17) Between junction U.S. Hwy. Alt. 70 and U.S. Hwy. 45W and junction U.S. Hwy. 45, and U.S. Hwy. 70 serving no intermediate points as an alternate route for operting convenience only: From junction U.S. Hwy. Alt. 70, and U.S. Hwy. 45W over U.S. Hwy. 45W to junction U.S. Hwy. 45, then over U.S. Hwy. 45 to junction U.S. Hwy. 70, and return over the same route.

(18) Between junction U.S. Hwy. Alt. 70 and U.S. Hwy. 45E and junction U.S. Hwy. 45, and U.S. Hwy. 70 serving no intermediate points as an alternate route for operating convenience only: From junction U.S. Hwy. Alt. 70, and U.S. Hwy. 45E over U.S. Hwy. 45E to junction U.S. Hwy. 45, then over U.S. Hwy. 45 to junction U.S. Hwy. 70, and return over the same route.

(19) Between junction U.S. Hwy. 11W and U.S. Hwy. 25E and junction U.S. Hwy. 25E and U.S. Hwy. 70 serving no intermediate points and serving junction U.S. Hwy. 11E and U.S. Hwy. 25E for purposes of joinder only: From junction U.S. Hwy. 11W and U.S. Hwy. 25E over U.S. Hwy. 25E to junction

U.S. Hwy. 70 and return over the same route, for 180 days.

RESTRICTED in routes (1) through (19) above against the handling of shipments (1) originating at points in TN (except Memphis, TN and its Commercial Zone) destined to points in NC, SC, GA, and AL and (2) originating at points in NC, SC, GA, and AL destined to points in TN (except Memphis, TN and its Commercial Zone). An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): There are approximately 338 statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: Opal M. Jones, ICC, 1100 Commerce Street, Room 13C12, Dallas, TX 75242.

MC 52704 (Sub-203TA), filed December 27, 1978. Applicant: GLENN MCCLENDON TRUCKING COMPANY, INC., P.O. Drawer "H" LaFayette, AL 36862. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. (1) *Paper and paper products*, from the facilities of Union Camp Corporation at or near Savannah, GA, to points in MO; and (2) *materials, equipment and supplies used in the manufacture or distribution of paper and paper products* (except commodities in bulk), from points in MO to the facilities of Union Camp Corporation at or near Savannah, GA, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Union Camp Corporation, 1600 Valley Road, Wayne, NJ 07470. SEND PROTESTS TO: Mabel E. Holston, ICC, Room 1616-2121 Building, Birmingham, AL 35203.

MC 52861 (Sub-49TA), filed January 4, 1979. Applicant: WILLS TRUCKING, INC., 4500 Rockside Road, Cleveland, OH 44131. Representative: John A. Wilson, 3185 Columbia Road, Richfield, OH 44286. *Scrap metals*, in dump vehicles, from South Bend, Fort Wayne, Richmond, and Muncie, IN, to Defiance, OH, and Charlotte, MI, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Superior Companies, Inc., 1610 N. Calhoun Street, Fort Wayne, IN 46804. SEND PROTESTS TO: Mary Wehner, ICC, 731 Federal Office Building, 1240 East Ninth Street, Cleveland, OH 44199.

MC 69116 (Sub-217TA), filed January 3, 1979. Applicant: SPECTOR FREIGHT SYSTEM, d.b.a. SPECTOR INDUSTRIES, INC., 1050 Kingery Highway, Bensenville, IL 60106. Representative: Joel E. Steiner, 39 South La Salle Street, Chicago, IL 60603. *Railway car and locomotive wheels*, loose or attached to axles, with or without bearings, Keokuk, IA to points in OH, PA and WV, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Amsted Industries, Inc., Griffin Wheel Company, 200 West Monroe Street, Chicago, IL 60606. SEND PROTESTS TO: Lois M. Stahl, ICC, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1386, Chicago, IL 60604.

MC 83292 (Sub-1TA), filed December 27, 1978. Applicant: FLANAGIN BROS. INC., 1805 Bernice Rd., Lansing, IL 60438, P.O. Box 3014, Munster, IN. Representative: Larry Flanagin, 1805 Bernice Road, Lansing, IL 60438. *Salt in dump trucks, building materials in dump trucks, stone, sand, asphalt, gravel and slag in dump trucks* (in bulk), between IN, IL and MI, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): There are approximately five (5) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: Lois M. Stahl, ICC, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1386, Chicago, IL 60604.

MC 98964 (Sub-16TA), filed December 22, 1978. Applicant: P.B.I. FREIGHT SERVICE, 960 North 1200 West, Orem, UT 84057. Representative: Lon Rodney Kump, 333 East Fourth South, Salt Lake City, UT 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Electrical appliances* originating at the facilities of General Electric co. in Clearfield, UT; from Page, AZ, to Phoenix, AZ, and its commercial zone, serving the intermediate point of Flagstaff, AZ; from Page, AZ, over U.S. Highway 89 to Flagstaff, AZ, then over Hwy I-17 to Phoenix, AZ, for 180 days. Applicant requests authority to tack at Page, AZ, with its existing authority in MC-98964, Base Certificate and Sub No. 10, authorizing service between Salt Lake City, UT, and Page, AZ. Applicant requests authority to interline at Phoenix, AZ. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): General Electric Co., 1051 S. Freeport Ind. Pkwy., Clearfield, UT 84015. SEND PROTESTS TO: L.D. Helfer, ICC, 5301 Federal Building, Salt Lake City, UT 84138.

MC 101075 (Sub-124TA), filed December 27, 1978. Applicant: TRANSPORT, INC., P.O. Box 396, Moorhead, MN 56560. Representative: Ronald B. Pitsenbarger (same as above). *Liquified petroleum gas*, in bulk, from the facilities of the Cochin Pipeline Co. located at or near Carrington, ND, and Benson, MN, to points in MN, ND and SD, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Farmers Union Central Exchange, Inc., P.O. Box 43089, St. Paul, MN 55164. SEND PROTESTS TO: Ronald R. Mau, ICC, Room 268 Federal Building and U.S. Post Office, 657 2nd Avenue North, Fargo, ND 58102.

MC 105375 (Sub-84TA), filed December 26, 1978. Applicant: DAHLEN TRANSPORT, INC., 1680 Fourth Avenue, Newport, MN 55055. Representative: Joseph A. Eschenbacher, Jr. (same as above). *Sugar*, in bulk, from the plantsite or storage facility of American Crystal Sugar Company located at Chaska, MN to Chicago and Kankakee, IL; Lafayette, IN; and Battle Creek, MI, for 180 days. SUPPORTING SHIPPER(S): General Foods Corporation, 250 North Street, White Plains, NY 10625. SEND PROTESTS TO: Delores A. Poe, ICC, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 106674 (Sub-355TA), filed December 22, 1978. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, U.S. Hwy. 24 West, Remington, IN 47977. Representative: Jerry L. Johnson (same as above). *Plasterboard joint system and materials, supplies, and products* used in the installation, application and distribution thereof, from the facilities of Georgia-Pacific Corporation at or near Akron, NY, to OH, PA and MI, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Georgia-Pacific Corporation, 1062 Lancaster Avenue, Rosemont, PA 19010. SEND PROTESTS TO: J. H. Gray, ICC, 343 West Wayne Street, Suite 113, Fort Wayne, IN 46802.

MC 108973 (Sub-16TA), filed December 26, 1978. Applicant: INTERSTATE EXPRESS, INC., 2334 University Avenue, St. Paul, MN 55114. Representative: Joseph I. Dudley, W-1260 First National Bank Building, St. Paul, MN 55101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard*, from the plantsite of Champion International Corporation at or near Ontonagon, MI over irregular routes to Joliet, IL, Minneapolis/St. Paul and St. Cloud, MN; St. Joseph, MO; Omaha, NE; Sioux Falls, SD; and Beloit and Milwaukee, WI, under a continuing contract or contracts with Champion International Corporation, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Champion International Corporation, Knightsbridge Drive, Hamilton, OH 45020.

SEND PROTESTS TO: Delores A. Poe, ICC, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 109238 (Sub-11TA), filed January 4, 1979. Applicant: DEHART MOTOR LINES, INC., Highway 64-70 West, P.O. Box 368, Conover, NC 28613. Representative: Joe W. Flowers (same as above). *Foods or foodstuffs*, from Jersey City, NJ to points in NC and SC, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): C. F. Mueller Company, 180 Baldwin Avenue, Jersey City, NJ 07306. SEND PROTESTS TO: Terrell Price, 800 Briar Creek Road, Room CC516, Mart Office Building, Charlotte, NC 28205.

MC 111045 (Sub-159TA), filed December 26, 1978. Applicant: REDWING CARRIERS, INC., 8515 Palm River Road, P.O. Box 426, Tampa, FL 33601. Representative: L. W. Fincher (same as above). *Sand*, in bulk, in tank vehicles, from Pacific, MO to Marion, AL, for 180 days. There is no environmental impact involved in this application. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Cast South, Inc., P.O. Box 336, Marion, AL 36756. SEND PROTESTS TO: Donna M. Jones, ICC, Monterey Building, Room 101, 8410 N.W. 53rd Terrace, Miami, FL 33166.

MC 111274 (Sub-35TA), filed December 20, 1978. Applicant: SCHMIDGALL TRANSFER, INC., P.O. Box 356, Morton, IL 61550. Representative: Frederick C. Schmidgall (same as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Grain drying, handling and storage equipment, steel buildings, feed processing and distributing equipment and fertilizer spreaders and materials and components*, between Mackinaw, IL, Westerville, OH, Taylorville, IL, Dodge City, KS, Bluffton, IN, Salina, KS, Pender, NE, Corydon, IA, on the one hand, and Olds, Alberta on the other, for 180 days. (Through points of entry on the U.S. Canadian Boundary in Sweetgrass, MT). An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Stirling Enterprises Ltd., Olds, Alberta, Canada. SEND PROTESTS TO: Charles D. Little, ICC, 414 Leland Office Building, 527 East Capitol Avenue, Springfield, IL 62701.

MC 113908 (Sub-459TA), filed January 5, 1979. Applicant: ERICKSON TRANSPORT, P.O. Box 3180, Springfield, MO 65804. Representative: B. B. Whitehead (same as above). *Frying oil*, in bulk, from Fayetteville, AR and Milwaukee, WI, and their respective commerical zones, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Campbell Soup Company, Fayetteville, AR 72701. SEND PROTESTS TO: John V. Barry, Room 600, 911 Walnut, Kansas City, MO 64106.

MC 116457 (Sub-39TA), filed December 21, 1978. Applicant: GENERAL TRANSPORTATION INCORPORATED, 1710 S. 27th Avenue (P.O. Box 6484), Phoenix, AZ 85005. Representative: D. Parker Crosby, 1804 S. 27th Avenue (P.O. Box 6484), Phoenix, AZ 85005. *Gypsum wallboard, gypsum lath, gypsum wallboard systems, gypsum products, plaster and products, tools, equipment, and supplies used in the installation thereof* (except in bulk or in tank vehicles), from points in TX and MM to AZ, CA, UT, CO, ID, NV, OR and WA, for 180 days. An underlying ETA seeks 90 days authority. There are approximately (5) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: Andrew V. Baylor, ICC, Room 2020, Federal Building, 230 N. First Avenue, Phoenix, AZ 85025.

MC 124692 (Sub-261TA), filed December 20, 1978. Applicant: SENTINEL TRANSPORTATION COMPANY, P.O. Box 4347, Missoula, Mt 59806. Representative: James B. Hovland, P.O. Box 1680, Fargo, ND 58107. *Aluminum plate and sheet*, from the Trentwood Works plantsite of Kaiser Aluminum & Chemical Corporation, at or near Spokane, WA to points in CA, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Kaiser Aluminum & Chemical Corporation, 300 Lakeside Drive, Oakland, CA 94643. SEND PROTESTS TO: Paul J. Labane, ICC, 2602 — 1st Avenue North, Billings, MT 59101.

MC 124896 (Sub-80TA), filed January 8, 1979. Applicant: WILLIAMSON TRUCK LINES, INC., Corner Thorne & Ralston Street, P.O. Box 3485, Wilson, NC 27893. Representative: Larry Knox, 600 Hubbell Building, Des Moines, IA 50309. (1) *Petroleum, petroleum products, vehicle body sealer and/or sound deadener compounds* (except in bulk, in tank vehicles), *and* filters, from points in Warren County, MS to points in AL, AZ, CA, CO, FL, GA, IN, IA, KS, KY, MD, MI, MN, MO, NE, NM, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VA, WI, and WV; and (2) *Petroleum, petroleum products, vehicle body sealer and/or sound deadener compounds, filters, materials, supplies, and equipment* as are used in the manufacture, sale, and distribution of the commodities named in part (1) above, (except in bulk, in tank vehicles), from points in AL, GA, KY, NY, OH, PA, RI, SC, VA, and WV to points in Warren County, MS, for 180 days. Restricted in parts (1) and (2) above to shipments originating at or destined to the facilities of Quaker State Oil Refining Corporation located in Warren County, MS. SUPPORTING SHIPPER(S): Quaker State Oil Refining Corp., P.O. Box 989, Oil City, PA 16301. SEND PROTESTS TO: Archie W. Andrews, ICC, P.O. Box 26896, Raleigh, NC 27611.

MC 124949 (Sub-4TA), filed December 26, 1978. Applicant: HI-LINE TRUCKING, INC., P.O. Box 628, Sidney, MT 59270. Representative: Joe Gerbase, 100 Transwestern Building, 404 North 31st Street, Billings, MT 59101. *Oil field equipment and supplies* used in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, between Sidney and Glendive, MT and Divide, Burke, Renville, Bottineau, Williams, Mountrail, Ward, McKenzie, Mercer, Billings, Dunn, Oliver, Golden, Valley, Stark, Morton, Burleigh, Slope, Hettinger, Grant, Bowman, Adams, McLean, McHenry, Sioux and Emmons Counties, ND, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Gas Production Enterprise, Houston, TX. SEND PROTESTS TO: Paul J. Labane, ICC, 2602—1st Avenue North, Billings, MT 59101.

MC 125916 (Sub-7TA), filed December 26, 1978. Applicant: NORWOOD TRANSPORTATION, INC., 2330 South 4200 West, Magna, UT 84044. Representative: Macoy A. McMurray, 800 Beneficial Life Tower, 26 South State Street, Salt Lake City, UT 84111. *Salt, salt products or salt plus additives*, in bulk or package, *or block salt, or mixed shipments thereof; and mineral mixtures* in packages moving in mixed shipments with salt or salt products, from points in Salt Lake and Tooele Counties, UT, to points in Delores, Delta, Garfield, LaPlata, Moffat, Montezuma, Montrose, Mesa, Ouray, Rio Blanco, San Juan, and San Miguel Counties, CO; and Carbon, Fremont, Lincoln, Natrona, Sublette, Sweetwater, and Unita Counties, WY, for 180 days. SUPPORTING SHIPPER(S): Leslie Salt Co., 886 West 2600 South, Salt Lake City, UT 84119. Utah Salt Company, Inc., 1865 South Main, Suite 25, Salt Lake City, UT 84115. Lake Point Salt Company, 1428 Hardy Road, Lake Point, UT 84074. SEND PROTESTS TO: L. D. Helfer, ICC, 5301 Federal Building, Salt Lake City, UT 84138.

MC 127840 (Sub-86TA), filed December 27, 1978. Applicant: MONTGOM-

ERY TANK LINES, INC., 17550 Fritz Drive, Lansing, IL 60438. Representative: William H. Towle, 180 North LaSalle Street, Chicago, IL 60601. *Petroleum products, vehicle body sealers, sound deadening compounds and accoustical control items,* in bulk, in tank vehicles, from Warren County, MS, to points in AL, AR, FL, GA, IL, IN, IA, KS, KY, LA, MN, MO, MS, NE, NC, ND, OH, OK, RI, SD and TX, for 180 days. Restricted to shipments originating at the facilities of Quaker State Oil Refining Corp. located at Warren County, MS. SUPPORTING SHIPPER(S): Quaker State Oil Refining Corp., P. O. Box 989, Oil City, PA 16301. SEND PROTESTS TO: Lois M. Stahl, ICC, 219 S. Dearborn Street, Room 1386, Chicago, IL 60604.

MC 129484 (Sub-5TA), filed November 30, 1978. Applicant: MELVIN WANG, dba MELVIN WANG TRUCKING, Fertile, MN 56540. Representative: Gene P. Johnson, P. O. Box 2471, Fargo, ND 58108. Authority sought operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Liquid fertilizer and liquid fertilizer ingredients,* in bulk, in tank vehicles, from Port Neal Industrial Complex near Sioux City, IA, to points in ND and those in MN on and west of U.S. Hwy 59 and north of MN Hwy 55, under a continuing contract or contracts with Fert-L-Flow, Inc., for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Fert-L-Flow, Inc., 1226 South Main, Crookston, MN 56716. SEND PROTESTS TO: Ronald R. Mau, ICC, Room 268 Federal Building and U. S. Post Office, 657 2nd Avenue North, Fargo, ND 58102.

MC 136123 (Sub-3TA), filed December 27, 1978. Applicant: MEAT DISPATCH, INC., 2103 17th Street, Palmetto, FL 33561. Representative: Robert D. Gunderman, 710 Statler Building, Buffalo, NY 14202. *Floor tile and related flooring accessories,* from Houston, TX to Rutherford, NJ, restricted to the transportation of traffic originating at and destined to the facilities of Uvalde Rock Asphalt Co. at or near the above named origin and destination, for 180 days. There is no environmental impact involved in this application. Supporting shipper(s): Uvalde Rock Asphalt Company, P.O. Box 531, San Antonio, TX 78292. Send protests to: Donna M. Jones, ICC, Monterey Building, Suite 101, 8410 N.W. 53rd Terrace, Miami, FL 33166.

MC 141914 (Sub-49TA), filed December 20, 1978. Applicant: FRANKS AND SON, INC., Route 1, Box 108A, Big Cabin, OK 74332. Representative: Kathrena J. Franks (same as above). *Molded paper and expanded plastic products,* (1) from the facilities of Keyes Fibre Company at or near Waterville, ME to points in MI, IN, IL, WI, MO, KY and CA, (2) from the facilities of Keyes Fibre Company at or near Hammond and Gary, IN to points in VT, CT, RI, NJ, DE, MD, VA, NC, SC and FL, and (3) from the facilities of Keyes Fibre Company at or near Albertsville, AL to points in AR, CA, CO, CT, DE, ID, ME, MD, MA, MI, MT, NE, NV, NH, NJ, NM, NY,OR, PA, RI, SD, UT, VT, WA, WV, WI and WY, for 180 days. Supporting shipper(s): Keyes Fibre Company, Waterville, ME 04901. Send protests to: Connie Stanley, ICC, Room 240 Old Post Office and Court House Bldg., 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 143318 (Sub-1TA), filed December 20, 1978. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 246, Motley, MN 56466. Representative: Finley & Hoekstra, P.A., 301 Midwest Federal Building, St. Paul, MN 55101. *Sugar beet pulp pellets,* from Moorhead, Crookston, East Grand Forks, MN and Hillsboro and Drayton, ND to all points in ND, SD, NE, MN, IA, MO, WI and IL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Westway Trading Corporation, 6600 France Avenue South, Minneapolis, MN 55435. Send protests to: Delores A. Poe, ICC, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 144470 (Sub-2TA), filed December 21, 1978. Applicant: COBB TRUCKING SERVICE, Route 3, Box 177, Bryan, TX 77801. Representative: Lawrence A. Winkle, Suite 1125 Exchange Park, Dallas, TX 75245. (1) *Plastic pipe, water pipe, industrial pipe and plastic fittings* (except in bulk, in tank vehicles); and (2) *equipment, materials and supplies* utilized in the installation of plastic pipe and plastic fittings when moving in mixed loads with the commodities in (1) above from (1) Corsicana and Dallas, TX to points in the United States (except AK and HI); and (2) from Frisco, TX to points in the United States (except AK and HI), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Nipak, Inc., 1810 Commerce Street, Suite 601, Dallas, TX 75221. Send protests to: John F. Mensing, ICC, 8610 Federal Building, 515 Rusk Avenue, Houston, TX 77002.

MC 145013TA, filed December 27, 1978. Applicant: D.O.T. TRUCKING, INC., 104 W. Marlin, Suite 320, McPherson, KS 67469. Representative: Clyde N. Christey, Kansas Credit Union Building, 1010 Tyler, Suite 110L, Topeka, KS 66612. *Oil field drilling mud and chemicals, in bags,* from Sidney, MT; to Casper, WY; Fort Smith, AR; Oklahoma City, OK; Roosevelt, UT; Woodward, OK; Liberal, KS; Medicine Lodge, KS; Great Bend, KS; Hays, KS; and McCook, NE. From Casper, WY; to Sidney, MT; Fort Smith, AR; Oklahoma City, OK; Roosevelt, UT; Woodward, OK; Liberal, KS; Medicine Lodge, KS; Great Bend, KS; Hays, KS; and McCook, NE. From Fort Smith, AR; to Sidney, MT; Casper, WY; Oklahoma City, OK; Roosevelt, UT; Woodward, OK; Liberal, KS; Medicine Lodge, KS; Great Bend, KS; Hays, KS; and McCook, NE. From Oklahoma City, OK; to Sidney, MT; Casper, WY; Fort Smith, AR; Roosevelt, UT; Woodward, OK; Liberal, KS; Medicine Lodge, KS; Great Bend, KS; Hays, KS; and McCook, NE. From Roosevelt, UT; to Sidney, MT; Casper, WY; Fort Smith, AR; Oklahoma City, OK; Woodward, OK; Liberal, KS; Medicine Lodge, KS; Great Bend, KS; Hays, KS; and McCook, NE. From Woodward, OK; to Sidney, MT; Casper, WY; Fort Smith, AR; Oklahoma City, OK; Roosevelt, UT; Liberal KS, Medicine Lodge, KS; Great Bend, KS; Hays, KS; and McCook, NE. From Liberal, KS; to Sidney, MT; Casper, WY; Fort Smith, AR; Oklahoma City, OK; Roosevelt, UT; Woodward, OK; Medicine Lodge, KS; Great Bend, KS; Hays, KS; and McCook, NE. From Medicine Lodge, KS; to Sidney, MT; Casper, WY; Fort Smith, AR; Oklahoma City, OK; Roosevelt; UT; Woodward, OK; Liberal, KS; Great Bend, KS; Hays, KS; and McCook, NE. From Great Bend, KS; to Sidney, MT; Casper, WY; Fort Smith, AR; Oklahoma City, OK; Roosevelt, UT; Woodward, OK; Liberal, KS; Medicine Lodge, KS; Hays, KS; and McCook, NE. From Hays, KS; to Sidney, MT; Casper, WY; Fort Smith, AR; Oklahoma City, OK; Roosevelt, UT; Woodward, OK; Liberal, KS; Great Bend, KS; and McCook, NE. From McCook, NE; to Sidney, MT; Casper, WY; Fort Smith, AR; Oklahoma City, OK; Roosevelt, UT; Woodward, OK; Liberal, KS; Medicine Lodge, KS; Hays, KS; and Great Bend, KS; and *Bentonite mud,* from Belle Fourche, SD; and Upton and Quaker, WY; to Sidney, MT; Casper, WY; Fort Smith, AR; Oklahoma City, OK; Roosevelt, UT; Woodward, OK; Liberal, KS; Hays, KS; Medicine Lodge, KS; Great Bend, KS; and McCook, NE; and *Walnut hulls,* from Osceola and Helena, AR; to Sidney, MT; Casper, WY; Fort Smith, AR; Oklahoma City, OK; Roosevelt, UT; Woodward, OH; Liberal, KS; Hays, KS; Medicine Lodge, KS; Great Bend, KS; and McCook, NE, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Davis Mud & Chemical, Inc., Box 108, Great Bend, KS 67530. Send protests to: M. E. Taylor, ICC, 101 Litwin Building, Wichita, KS 67202.

MC 145620 (Sub-1TA), filed December 27, 1978. Applicant: INDUSTRIAL HEAVY TRANSPORT, 12151 West 44th Avenue, Wheatridge, CO 80033. Representative: William W. Selman, 18500 John F. Kennedy Boulevard, Houston, TX 77205. *Lumber mill and wood products,* from in and near the vicinity of Conroe, TX commercial zone and within 20 miles of that area to all points in the states of AL, AK, CO, CT, FL, GA, IL, KS, LA, MA, MD, MI, MN, NJ, NY, NC, SC, OH, OK, PA, TN, TX, MO, NH, NV, CA, AZ, IA and NE, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Owens Handle Co., Inc., 4200 N. Frazier, Conroe, TX 77301. Send protests to: Roger L. Buchanan, ICC, 721 19th Street, 492 U.S. Customs House, Denver, CO 80202.

MC 145900 (Sub-1TA), filed December 26, 1978. Applicant: THREE RIVERS TRUCKING, INC., Legionville Road, Ambridge, PA 15003. Representative: John A. Pillar, 1500 Bank Tower, 307 Fourth Avenue, Pittsburgh, PA 15222. *Iron and steel articles* (except commodities in bulk), from the facilities of The Levinson Steel Company at Pittsburgh and Ambridge, PA to points in WV on and north of U.S. Highway Route 50 and points in OH on and east of U.S. Highway Route 23 from the OH-KY state line to the intersection of U.S. Highway Route 23 and State Highway Route 4 and points on and east of State Highway Route 4 from said intersection to Sandusky, OH, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Levinson Steel Company, South 20th and Wharton Streets, Pittsburgh, PA 15203. Send protests to: John J. England, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

MC 145921TA, filed December 26, 1978. Applicant: AIR COURIERS, INC., 9338 Woodson Terrace Industrial Court, Woodson Terrace, MO 63134. Representative: Clyde W. Jenkins (same as above). *General commodities,* except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and articles requiring special equipment, restricted to the transportation of traffic having a prior or subsequent movement by air, between Lambert Field, St. Louis, MO; O'Hare International Airport, Chicago, IL; and points in Adams, Brown, Schuyler, Pike, Cook, Scott, Morgan, Cass, Mason, Menard, Logan, DeWitt, Macon, Piatt, Champaign, Vermilion, Sangamon, Christian, Moultrie, Douglas, Edgar, Coles, Shelby, Clark, Cumberland, Montgomery, Macoupin, Greene, Calhoun, Jersey, Bond, Madison, Fayette, Effingham, Jasper, Crawford, Clay, Richland, Lawrence, Marion, Clinton, St. Clair, Monroe, Randolph, Washington, Jefferson, Wayne, Edwards, Wabash, Perry, Franklin, Hamilton, White, Jackson, Williamson, Saline, Gallatin, Union, Johnson, Pope, Hardin, Alexander, Pulaski, Massac Counties in IL, and Warren, St. Louis, St. Charles, Franklin, Jefferson, Ste. Genevieve, St. Francois, Perry, Iron, Reynolds, Madison, Bollinger, Cape Girardeau, Wayne, Stoddard, Scott, Mississippi, New Madrid, Dunkin, Pemiscot, Butler, Ripley, Carter, Washington, Crawford, Phelps, Maries, Miller, Gasconade, Osage, Cole, Morgan, Moniteau, Callaway, Cooper, Boone, Montgomery, Lincoln, Pike, Audrain, Saline, Howard, Chariton, Macon, Randolph, Shelby, Monroe, Marion, Ralls, Lewis, Jackson, Platte, Clay, Lafayette, Clark Counties in MO, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): There are approximately 116 statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: Peter E. Binder, ICC, 210 N. 12th Street, Room 1465, St. Louis, MO 63101.

MC 145935 (Sub-1TA), filed January 2, 1979. Applicant: ALL STATES TRANSPORTATION, INC., Route 1, Box 27, Fort Worth, TX 76179. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Road, Fort Worth, TX 76112. (1) *Extruded or injection molded rubber and plastic products,* and (2) *materials, supplies, and equipment* used in the manufacture, sale, and distribution of extruded or injection molded rubber and plastic products, (1) from the facilities of Entek Corporaton of America at Irving, TX to all points in the U.S. (excluding AK and HI), and (2) from all points in the U.S. (excluding AK and HI) to Irving, TX, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Entek Corporation of America, 104 County Line Road, Irving, TX 75060. SEND PROTESTS TO: Martha A Powell, ICC, Room 9A27 Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

MC 145941 (Sub-1TA), filed January 5, 1979. Applicant: FREDRICKS & REESE, INC., 71-36 Myrtle Avenue, Glendale, NY 11727. Representative: Michael R. Werner, 167 Fairfield Road, Fairfield, NJ 07006. *Stock market printed materials,* from New York, NY to Hartford, CT, Philadelphia, PA, Chicago, IL, Washington, DC, Baltimore, MD, and Boston, MA, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): There are approximately nine (9) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: Maria B. Kejss, ICC, 26 Federal Plaza, New York, NY 10007.

MC 145950 (Sub 1TA), filed December 29, 1978. Applicant: BAYWOOD TRANSPORT, INC., P.O. Box 8155, Waco, Texas 76710. Representative: E. Stephen Heisley, 805 McLocklen Bank Building, 666 Eleventh Street, N.W., Washington, D.C. 20001. (1) *Rubber articles, plastic articles, and rubber and/or plastic products* (except commodities in bulk), from the facilities of ENTEK Corp. of America at or near Irving, Texas to points in the United States (except Alaska and Hawaii). (2) *Materials and equipment* used in the manufacturing and distribution of rubber and plastic articles (except commodities in bulk), from points in the United States (except Alaska and Hawaii) to the facilities of ENTEK Corp. of America at or near Irving, Texas for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): ENTEK Corporation, 104 County Line Road, P.O. Box 61048, Dallas, TX 75261. SEND PROTESTS TO: Martha A. Powell, ICC, Room 9A27 Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

MC 145957TA, filed December 27, 1978. Applicant: THOMAS M. PETTIS, d.b.a. PETTIS TRUCKING COMPANY, Route 4, Box 249-B, Brewton, AL 36426. Representative: Thomas M. Pettis (same as above). *Road building materials, sand, gravel, pea gravel and clay,* from Wallace, AL, to Milton, FL, for 180 days. SUPPORTING SHIPPER(S): Santa Rosa Concrete Company Group, Inc., P.O. Box 461, Milton, FL 32570. SEND PROTESTS TO: Mabel E. Holston, ICC, Room 1616—2121 Building, Birmingham, AL 35203.

MC 145958TA, filed December 27, 1978. Applicant: STELLA AND WRIGHT, INC., d.b.a. M & M WAREHOUSE, 1655 West 31st Place, Hialeah, FL 33010. Representative: Richard B. Austin, 5255 N.W. 87th Avenue, Miami, FL 33178. *New crated furniture and new crated household fixtures and new uncrated furniture and new uncrated fixtures* when moving in mixed shipments with new crated furniture and fixtures between the warehousing facilities of M & M Warehouse located at or near Miami, FL, and points and places in Dade, Broward and Palm Beach Counties, FL, for 180 days. There is no environmental impact involved in this application. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): There are

approximately five (5) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: Donna M. Jones, ICC, Monterey Building, Room 101, 8410 N.W. 53rd Terrace, Miami, Fl 33166.

MC 145964TA, filed December 22, 1978. Applicant: MELBA S. POWELL, d.b.a., C.B.M. TRANSPORT, 922 South 2300 East, Salt Lake City, UT 84108. Representative: Harry D. Pugsley—Watkiss & Campbell, 310 South Main Street, Suite 1200, Salt Lake City, UT 84101. *Soda ash* (bagged and bulk), from facilities of F.M.C. near Green River, WY, to points in CA; and *water heaters,* from Los Angeles County, CA, to points in UT, CO, ID, OR, WA, and MT, for 180 days. SUPPORTING SHIPPER(S): Western Chemical & Mfg., Co., 3270 E. Washington Boulevard, Los Angeles, CA 90023. American Appl. Corp., 2625 Michigan Avenue, Santa Monica, CA. SEND PROTESTS TO: L. D. Helfer, ICC, 5301 Federal Building, Salt Lake City, UT 84138.

MC 14596TA, filed December 21, 1978. Applicant: TOMORROW TRANSPORTS, INC., 1257 Central Avenue, Hamilton, OH 45011. Representative: Jerry B. Sellman, Muldoon, Pemberton & Ferris, 50 W. Broad Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Paper boxes,* other than corrugated, knocked down flat or folded flat; (2) *cans, fiberboard, paper or paperboard,* straight sided, set up not exceeding 15 united inches; and (3) *boxes, fiberboard, paper or pulp board,* NOI, without wooden frames, from Buffalo, NY, to Santa Cruz, CA, under a continuing contract or contracts with F. N. Burt Company, Inc., for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): F. N. Burt Company, Inc., P.O. Box 1089, Buffalo, NY 14240. SEND PROTESTS TO: Paul J. Lowry, ICC, 5514-B Federal Building, 550 Main Street, Cincinnati, OH 45202.

PASSENGER CARRIER

MC 145961TA, filed December 21, 1978. Applicant: BAYARD LIMOUSINE SERVICE, INC., 22B Bowery, New York, NY 10013. Representative: Sidney J. Leshin, 575 Madison Avenue, New York, NY 10022. *Passengers* in special operations, in vehicles having a seating capacity for no more than sixteen passengers, beginning and ending in the Borough of Manhattan, south of Houston Street, New York, NY, and extending to the Meadowlands Sporting Complex, East Rutherford, NJ, for 180 days. SUPPORTING SHIPPER(S): There twenty (20) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: Maria B. Kejss, ICC, 26 Federal Plaza, New York, NY 10007.

By the Commission.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 4638 Filed 2-9-79; 8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3)

CONTENTS

	Item
Federal Deposit Insurance Corporation	1
Federal Energy Regulatory Commission	2
Federal Reserve System	3
National Transportation Safety Board	4

[6714-01-M]

1

FEDERAL DEPOSIT INSURANCE CORPORATION.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:55 p.m. on Wednesday, February 7, 1979, the Board of Directors of the Corporation met in open session, by telephone conference call, to elect Honorable Irvine H. Sprague, Chairman of the Board of Directors of the Federal Deposit Insurance Corporation.

In calling the meeting, the Board determined, on motion of Acting Chairman John G. Heimann, seconded by Director William M. Isaac (Appointive), that Corporation business required its election of a permanent Chairman of the Board of Directors on less than seven days' notice to the public and that no earlier notice of the meeting was practicable.

Dated: February 7, 1979.

FEDERAL DEPOSIT INSURANCE CORPORATION,
HOYLE L. ROBINSON,
Assistant Executive Secretary.

[S-282-79 2-8-79; 1:44 pm]

[6740-02-M]

2

FEBRUARY 7, 1979.

FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: February 14, 1979, 10 a.m.

PLACE: 825 North Capitol Street NE., Washington, D.C., Room 9306.

STATUS: Open

MATTERS TO BE CONSIDERED: Agenda.

NOTE.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary, telephone 202-275-4166.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda, however, all public documents may be examined in the Office of Public Information.

POWER AGENDA—245TH MEETING, FEBRUARY 14, 1979, REGULAR MEETING (10 A.M.)

CAP-1. Docket No. ER78-67, Public Service Company of Oklahoma.
CAP-2. Docket No. ES79-22, Gulf States Utilities Company
CAP-3. Docket No. ER79-124, Appalachian Power Company

GAS AGENDA—245TH MEETING, FEBRUARY 14, 1979, REGULAR MEETING

CAG-1. Docket No. RP72-134, Eastern Shore Natural Gas Company.
CAG-2. Docket No. G-4310, et al., Cities Services Compay (Successor to Cities Service Oil Company), et al.
CAG-3. Docket No. RI77-129, Coastal States Gas Producing Company.
CAG-4. Docket No. RI66-117, H. N. Burnett V. Panhandle Producing Company et al.
CAG-5. Docket No. CI65-974, et al., George Despot, Agent (Operator), et al.
CAG-6. Docket No. CI79-137, Aminoil, U.S.A. Docket No. CI79-171, Aminoil Development, Inc. Docket No. CI77-443 and CI79-10, General American Oil Company of Texas. Docket No. CI78-1240, Harper Oil Company. Docket No. CI78-1277, Caroline Hunt Trust Estate. Docket No. CI79-117, Kerr-McGee Corporation. Docket No. CI78-1046 and CI78-1262, Mesa Petroleum Company. Docket No. CI78-932 and CI79-160, Ocean Production Company. Docket No. CI77-360, Placid Oil Company. Docket No. CI79-11, Southland Royalty Company. Docket No. CI79-198 and CI78-892, Sun Oil Company. Docket No. CI77-481, Tenneco Oil Company. Docket No. CI78-928, Pioneer Production Company. Docket No. CI78-294, Atlantic Richfield Company. Docket No. CI78-1065, Gas Producing Enterprises, Inc. Docket No. CI78-1275, The Rosewood Corporation.
CAG-7. Docket No. CP79-37, Texas Gas Transmission Corporation.
CAG-8. Docket No. CP77-551, Cities Service Gas Co.
CAG-9. Docket No. CP79-48, Texas Eastern Transmission Corporation, Texas Gas Transmission Corporation.
CAG-10. Docket No. CP79-126, Northern Natural Gas Company.
CAG-11. Docket No. CP79-81, Tennessee Gas Pipeline Company.
CAG-12. Docket No. CP79-94, Southern Natural Gas Company.
CAG-13. Docket No. CP77-363, Columbia Gas Transmission Corporation and National Fuel Gas Supply Corporation.

MISCELLANEOUS AGENDA—245TH MEETING, FEBRUARY 14, 1979, REGULAR MEETING

CAM-1. Valley Gas Transmission Company.

POWER AGENDA—245TH MEETING, FEBRUARY 14, 1979, REGULAR MEETING

I. LICENSED PROJECT MATTERS

P-1. Project 1971, Idaho Power Company (Hells Canyon Project).

II. ELECTRIC RATE MATTERS

ER-1. Docket No. ER76-304, et al., New England Power Company.

GAS AGENDA—245TH MEETING, FEBRUARY 14, 1979, REGULAR MEETING

I. PIPELINE RATE MATTERS

RP-1. Docket No. RM78-23, State of Louisiana first use tax in pipeline rate cases.

II. PRODUCER MATTERS

CI-1. Docket No. CI75-45, et al., Tenneco Oil Company, et al.
CI-2. Docket No. CI78-892, Sun Oil Company.
CI-3. Docket No. CI78-1179, Dorchester Gas Producing Company.

III. PIPELINE CERTIFICATE MATTERS

CP-1. Docket Nos. CP71-68, et al., Columbia LNG Corporation, et al.

MISCELLANEOUS AGENDA—246TH MEETING, FEBRUARY 14, 1979, Regular Meeting

M-1. Docket No. RM77-2, Change in Public Availability of FPC Form 423 Data.
M-2. Staff Recommendations on the Revenue Act of 1978 which reduces the Statutory Corporate Federal Income Tax Rate from 48% to 46%.
M-3. Docket No. RM79-13, Interim Regulations for the Implementation of Section 401 of the Natural Gas Policy Act of 1978.

KENNETH F. PLUMB,
Secretary.

[S-281-79 Filed 2-8-79; 11:23am]

[6210-01-M]

3

FEDERAL RESERVE SYSTEM.

TIME AND DATE: 11 a.m., Friday, February 16, 1979.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Request by the General Accounting Office for Board comment on a draft report entitled, "A Comparison of Selected Policies and procedures of the Three Bank Regulatory Agencies."

2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

3. Any agenda items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board, 202-452-3204.

Dated: February 8, 1979.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[S-283-79 Filed 2-8-79; 3:45 pm]

[4910-58-M]

4

NATIONAL TRANSPORTATION SAFETY BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 44 FR 6262, January 31, 1979.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: Wednesday, February 7, 1979, 9 a.m. [NM-79-4].

CHANGE IN MEETING: This meeting was cancelled and the item added to the agenda for meeting of February 8, 1979.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 44 FR 6584, February 1, 1979.

CHANGE IN MEETING: The business of the Board requires revising the agenda of this meeting and no earlier announcement was possible. The agenda as now revised is set forth below.

TIME AND DATE: 9 a.m., Thursday, February 8, 1979.

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue SW., Washington, D.C. 20594.

STATUS: The first five items will be open to the public; the sixth item will be closed to the public under Exemption 10 of the Government in the Sunshine Act.

MATTERS TO BE CONSIDERED:

1. *Railroad Accident Report*—Louisville and Nashville Railroad Company freight train derailment and rupture of the LPG tank car at Waverly, Tenn., February 24, 1978.

2. *Aircraft Accident Report*—Allegheny Airlines, Inc., BAC-1-11, N1550, Rochester, N.Y., July 9, 1978.

3. *Letter* to Mr. Allan Light re reconsideration of probable cause, Aero Commander 112A, Georgia, Vt., December 20, 1975.

4. *Briefing* by NTSB Staff on Federal Aviation Administration proposed "Controlled Visual Flight" Rules.

5. *Discussion* of the responsibilities of the Chairman under the Independent Safety Board Act with respect to personnel, administrative, and resource matters.

6. *Opinion and Order*—Petition of Bomkamp, Dkt. SE-2107; disposition of Administrator's appeal.

CONTACT PERSON FOR MORE INFORMATION:

Sharon Flemming, 202-472-6022.

[S-280-79 Filed 2-8-79; 10:38 am]

federal register

MONDAY, FEBRUARY 12, 1979

PART II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

■

SECTION 202 LOANS FOR HOUSING FOR THE ELDERLY AND HANDICAPPED

Announcement of Fund Availability for Fiscal Year 1979

[4210-01-M]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

[Docket No. N-79-913]

SECTION 202 LOANS FOR HOUSING FOR THE ELDERLY AND HANDICAPPED

Announcement of Fund Availability Fiscal Year 1979

AGENCY: Department of Housing and Urban Development.

ACTION: Notice.

SUMMARY: The Department is announcing the availability of Fiscal Year 1979 loan authority under the Section 202 Housing for the Elderly or Handicapped Direct Loan Program. The loan authority will be used to provide direct Federal loans for a maximum term of 40 years under Section 202 of the Housing Act of 1959, as amended, to assist private nonprofit corporations and consumer cooperatives in the development of new or substantially rehabilitated housing and related facilities to serve the elderly or handicapped.

FOR FURTHER INFORMATION CONTACT:

The HUD Field Office for your jurisdiction.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Title 24, Code of Federal Regulations, Part 885, as amended on March 1, 1978 (see 43 FR 8491), that the Department of Housing and Urban Development will be accepting Applications for Fund Reservations from eligible Borrowers (see Section 885.5 for the definition of "Borrower" and other terms used herein) for the provision of direct loans for the construction or substantial rehabilitation of Housing and Related Facilities (as defined) for dwelling use by Elderly or Handicapped Families (as defined) under the provisions of Section 202 of the Housing Act of 1959, as amended.

The Assistant Secretary for Housing already has assigned Section 202 loan fund authority for Fiscal Year 1979 to the ten HUD Regional Offices in conformance with the provisions of Section 213(d) of the Housing and Community Development Act of 1974 as provided at 24 CFR Part 891, Subpart D, published in the FEDERAL REGISTER, dated October 30, 1978.

While the precise number of units to be funded depends upon actual applications received and approved, the following distribution plan shows the approximate numbers of units and loan authority available for new applications in each field office jurisdiction for Fiscal Year 1979.

FISCAL YEAR 1979 SECTION 202 DISTRIBUTION PLAN BY HUD FIELD OFFICE JURISDICTION

	Estimated number of units	Estimated loan authority*
Boston Regional Office:		
Boston	385	$17,022,400
Manchester (Bangor, Burlington)	200	6,952,000
Providence	85	3,270,400
Hartford	230	8,947,200
Total	900	36,192,000
New York Regional Office:		
Buffalo (Albany)	540	18,852,800
Caribbean	545	15,585,600
Newark (Camden)	560	23,457,600
New York	1,225	60,542,400
Total	2,870	118,438,400
Philadelphia Regional Office:		
Baltimore	145	5,369,600
Philadelphia (Wilmington)	665	24,350,400
Pittsburgh	360	13,704,000
Charleston	160	5,609,600
Richmond	200	7,326,400
Washington, D.C.	95	4,113,600
Total	1,625	60,473,600
Atlanta Regional Office:		
Atlanta	365	10,939,200
Birmingham	240	8,995,200
Columbia	190	4,987,200
Greensboro	400	10,617,600
Jackson	215	6,604,800
Jacksonville (Coral Gables, Tampa)	940	28,395,200
Knoxville	140	4,288,000
Nashville (Memphis)	230	6,548,800
Louisville	225	8,940,800
Total	2,945	90,316,800
Chicago Regional Office:		
Chicago (Springfield)	855	35,332,800
Columbus (Cincinnati)	265	9,520,000
Cleveland	275	10,084,800
Detroit	445	14,844,800
Grand Rapids	220	7,099,200
Indianapolis	460	14,340,800
Milwaukee	355	12,740,800
Minn.-St. Paul	505	19,201,600
Total	3,380	123,164,800
Dallas Regional Office:		
Dallas (Albuquerque, Fort Worth, Lubbock)	605	17,350,400
Little Rock	240	6,876,800
New Orleans (Shreveport)	310	10,443,200
Oklahoma City (Tulsa)	290	8,640,000
Houston	290	8,323,200
San Antonio	240	6,886,400
Total	1,975	58,520,000
Kansas City Regional Office:		
Kansas City (Topeka)	405	13,441,600
Omaha	135	4,497,600
Des Moines	325	10,134,400
St. Louis	225	8,579,200
Total	1,090	36,652,800

FISCAL YEAR 1979 SECTION 202 DISTRIBUTION PLAN BY HUD FIELD OFFICE JURISDICTION—Continued

	Estimated number of units	Estimated loan authority*
Denver Regional Office:		
Denver (Helena, Fargo, Sioux Falls, Salt Lake City, Casper)	335	11,736,000
Total	335	11,736,000
San Francisco Regional Office:		
Honolulu	50	2,272,000
Los Angeles (Phoenix, San Diego, Santa Ana)	1,285	50,803,200
San Francisco (Fresno, Reno, Las Vegas)	685	27,620,800
Sacramento	115	4,593,600
Total	2,135	85,289,600
Seattle Regional Office:		
Portland (Boise)	280	9,438,400
Seattle (Spokane)	235	9,777,600
Total	515	19,216,000

*Pursuant to Section 213(d) of the Housing and Community Development Act of 1974, as amended, the estimated loan authority is subject to further breakdown into "metropolitan" and "nonmetropolitan" areas.

The distribution plan set forth above is provided as a guide for prospective Borrowers. It indicates the estimated loan authority that can be expected to be made available for applications for new units in each HUD field office jurisdiction. However, these unit and loan estimates are subject to change upon the Regional and/or field office determinations. Such changes may be necessary in order to assure that there is enough loan authority in each field office to support feasible housing projects. Each HUD field office receiving Fiscal Year 1979 loan authority will prepare and publish a single Invitation for Applications for Section 202 Fund Reservation (Invitation) for its jurisdiction which indicates the amount of such authority and the maximum number of units this amount is expected to assist. The Invitation will also designate, based on the field office allocation plan, those allocation areas where additional housing for the elderly or handicapped would be consistent with Housing Assistance Plan (HAP) goals, Areawide Housing Opportunity Plans (AHOPs), and for communities not having HAPs or subject to AHOPs, needs determined by the field office.

LIMITATIONS ON FUND AVAILABILITY TO CERTAIN AREAS

Prospective Borrowers interested in applying should be aware of the requirements governing the allocation of loan authority as set forth in § 885.200 of the Regulations. In determining

the number of units for housing for the elderly or handicapped to be provided to a specific allocation area, each field office will allocate the Section 202 "fair share" assignment consistent with the Section 8 Public Housing Allocation Plan. To the maximum extent practicable, the number of units in the allocation plan (Section 8, Section 202 and Public Housing) shall reflect the distribution by housing type (new construction, substantial rehabilitation, existing) in the annual housing action programs and be in the same proportion as the household type (elderly, family and large family) in the three year goals as determined from applicable Housing Assistance Plans (HAPs) and estimates for non-HAP areas with the objective of achieving the proportionality by household type established in the first three-year goal by the end of the three-year period. Because of previous years' program selections, in many allocation areas a greater proportion of newly constructed housing for the elderly has been provided than would otherwise have occured, and as a result it may not be possible to approve Section 202 applications in such areas. The field office Invitation will clearly indicate the allocation areas designated for priority evaluation of Section 202 applications. Pursuant to § 885.205c(2) and (3) of the Regulations, Borrowers may submit applications in areas not so designated by the field office Invitations under the following conditions:

(a) Applications for projects in areas designated by the field office Invitation and applications for projects in any area which are designed wholly for the nonelderly disabled or handicapped will be accepted and evaluated first; and

(b) Other applicants (excluding nonelderly disabled or handicapped) for projects in areas not designated in the Invitation will be considered for approval only if an insufficient number of approvable applications are received for projects in the designated allocation areas and provided that the proposal is consistent with the HAP.

As mentioned above, interested Section 202 Borrowers will be notified of the designated allocation areas by an Invitation prepared and advertised by the HUD field office. Because of the exceptions set forth above, any eligible Borrower may apply for areas outside the designated allocation areas established by the field office. As it is anticipated that demand from acceptable Borrowers from designated allocation areas will be far in excess of available loan authority, prospective applicants from other areas should recognize that their prospects for allocations might be very limited and unlikely to warrant the investment required in developing and submitting such applications.

Schedule for Section 202 Invitations, Workshops, and Application Deadline

All applications for Section 202 Fund Reservations by eligible Borrowers must be filed with the appropriate field office and must contain all exhibits and additional information as required by Section 885.210 of the Regulations. HUD field offices will publish an Invitation in newspapers of general circulation serving the field office jurisdiction once a week for two consecutive weeks commencing no earlier than December 15, 1978, but no later than January 30, 1979. Field offices will accept Applications anytime after publication of the Invitation, but no Applications will be accepted after the regular closing time of the appropriate field office on Monday, April 30, 1979, unless said final date for submission of Applications is extended by the Assistant Secretary by publication of an extension notice in the Federal Register.

Borrowers interested in applying for a Fund Reservation under Section 202 are encouraged to provide the appropriate field office with the name, address and telephone number of the Sponsor and/or Borrower organization(s), to advise the field office whether they wish to attend the workshop described in the following paragraph, and to secure the program handbook and Application Package.

Workshops will be conducted by field offices during the months of February and March 1979 to explain the regulations and instructions governing the Section 202 and Section 106(b) Seed Money loan programs, to distribute Application Packages, and to discuss the application procedures and required exhibits. More detailed information covering the time and place of the particular workshops will be indicated in the field office Invitation. Arrangements will be made by the field office, if necessary, to assure that handicapped persons are able to attend and participate in the workshop. Such persons should contact the field office, so that appropriate arrangements can be made.

Additional Information

Pursuant to § 885.205(a)(4), this is to serve further notice that:

(1) Religious bodies may serve as sponsors of Section 202 projects, but the Borrower corporation must be a separate legal entity in order to comply with Constitutional requirements for separation of Church and State.

(2) Where the Sponsor and the Borrower are not the same legal entity, the Sponsor must show evidence of exemption from Federal income taxes and the Borrower corporation must have applied for an exemption ruling from the Internal Revenue Service prior to the deadline date for filing applications. Where the Sponsor and the Borrower are the same, evidence of exemption of the Sponsor/Borrower from Federal income taxes must be submitted prior to the deadline date.

(3) Applications may be submitted only by the eligible Borrowers. The Borrower must be an eligible corporation as defined in § 885.5 of the Section 202 Regulations and must have been legally incorporated at the time its application is filed with the appropriate HUD Field Office.

(4) Based on the recently enacted Housing and Community Development Amendments of 1978, the term "corporation", for purposes of the Section 202 program, must, in addition to the current requirements set forth in § 885.5 (definition of Borrower), have a governing board selected in a manner to assure significant representation of the views of the community in which the project is to be located, and which board is responsible for the operation of the housing project. To this end, the exhibit required in § 885.210(1) must be accompanied by a statement which provides evidence that the Borrower's board meets these requirements or that it will have taken such steps to the satisfaction of the appropriate field office prior to initial closing.

(5) No single Borrower shall receive a reservation of loan funds in excess of that necessary to finance the construction of substantial rehabilitation of three hundred (300) units of Housing and Related Facilities in any single HUD Region.

(6) HUD will make contract authority under Section 8 of the United States Housing Act of 1937, as amended by the Housing and Community Development Act of 1974, available for successful Borrowers.

(7) Section 202 Fund Reservations will be distributed among successful Borrowers in accordance with the requirements of § 885.220 (Review of Application of Fund Reservation) and on the basis of all of the information furnished by the Borrowers as set forth in the Application Package and pursuant to § 885.225 (Approval of Applications) of the Regulations. To be considered responsive to the Invitation, among other requirements, any application for a designated allocation area cannot request a larger number of units than advertised.

(8) Approvable applications which cannot be funded due to insufficient Fiscal Year 1979 Section 202 loan authority may be held for possible future funding without the need to reapply when Fiscal Year 1980 loan authority becomes available, subject

to a redetermination of site availability, conformance to any applicable housing assistance plan, and any other outstanding requirements at that time.

(9) The Assistant Secretary has established one-half of 1 percent (0.5%), not to exceed $10,000 of the total HUD-approved Section 202 mortgage amount, to be the minimum capital investment for Section 202 Borrowers. This requirement applies to all Section 202 Borrowers receiving HUD field office approval of an application for Section 202 fund reservation (under the provisions of § 885.400 et. seq.). Said minimum capital investment shall apply to all Section 202 projects receiving fund reservations in Fiscal Year 1979 and shall remain in effect unless altered by the Assistant Secretary by the publication in the FEDERAL REGISTER of a revision to the minimum capital investment requirement. Section 106(b) funds, pursuant to Part 271, may not be used to satisfy the minimum capital investment requirement.

Borrowers are invited to submit applications for Section 202 fund reservations in accordance with this Announcement and Part 885. Additional information regarding the Section 202 program may be found in Part 885.

A finding of inapplicability respecting the, National Environmental Policy Act of 1969, has been made in accordance with HUD procedures. A copy of the finding of inapplicability is available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410.

(Section 202, Housing Act of 1959 (12 U.S.C. 1701q), as amended; Section 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).)

Issued at Washington, D.C., February 1, 1979.

LAWRENCE B. SIMONS,
Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 79-4478 Filed 2-9-79; 8:45 am]

federal register

MONDAY, FEBRUARY 12, 1979

PART III

DEPARTMENT OF TRANSPORTATION

Coast Guard

■

TANK VESSELS OF 10,000 GROSS TONS OR MORE AND TANK VESSELS OF 20,000 DWT OR MORE CARRYING OIL IN BULK

Proposed Design, Equipment, Operating, and Personnel Standards, Improved Steering Gear Standards and Inert Gas and Deck Foam Systems

[4910-14-M]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 157]

[CGD 77-058b]

TANK VESSELS OF 20,000 DWT OR MORE CARRYING OIL IN BULK

Proposed Design, Equipment, Operating, and Personnel Standards.

AGENCY: Coast Guard, DOT.

ACTION: Proposed rules; withdrawal of previous proposal.

SUMMARY: The Coast Guard proposes to add to the rules for tank vessels carrying oil in bulk, standards for segregated ballast tanks, dedicated clean ballast tanks, and crude oil washing systems, and to withdraw a previous proposal (42 FR 24868) for double bottoms and segregated ballast tanks for certain tank vessels. The proposed standards are essentially the same as the standards and recommendations contained in the *Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973* which are reflected in the Port and Tanker Safety Act of 1978. Adoption of the proposal would reduce the probability of spillage of oil into the navigable waters of the United States from vessel accidents, reduce the amount of operational discharges to the oceans by deballasting and tank cleaning, and contribute to the conservation of oil.

DATES: 1. Written comments must be received on or before April 16, 1979. 2. The hearings will be held on March 21, 1979 and on March 28, 1979.

ADDRESSES: Written comments should be submitted to Commandant (G-CMC/81) (CGD 77-058b), U.S. Coast Guard, Washington, D.C. 20590. Comments will be available for examination at the Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590. A copy of the Regulatory Analysis and Evironmental Impact Statement relating to this amendment, the *Protocol of 1978 Relating to the International Convention for the Safety of LIfe at Sea, 1974* and the *Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973* (MARPOL Protocol) are also available for examintation at this address. The Coast Guard will hold 2 public hearings concerning this proposal. The first will be held on March 21, 1979, beginning at 9:30 a.m., in Room 2230, 400 7th Street, SW., Washington, DC 20590. The second will be held on March 28, 1979, beginning at 9:30 a.m., in the Jack Tar Hotel, Garden Room, Van Ness at Geary, San Francisco, CA 94101.

FOR FURTHER INFORMATION CONTACT:

Commander George F. Ireland, Merchant Marine Technical Division (G-MMT-1/82), Room 8207, U.S. Coast Guard, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590 (202-426-4431).

SUPPLEMENTARY INFORMATION: 1: Interested persons are invited to participate in this proposed rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this notice (CGD 77-058b) and the specific section of the proposed regulations to which their comments apply, and give reasons for the comments. The regulations may be changed in the light of comments received. All comments received before expiration of the comment period will be considered before final action is taken on these proposed regulations.

2. Interested persons are invited to attend the hearings and present oral or written statements on these proposed regulations. It is requested that anyone desiring to make oral comments at a public hearing notify Captain Philip J. Danahy at the address listed under ADDRESSES, at least 10 days before the scheduled date of the hearing and specify the approximate length of time needed for the presentation. It is urged that a written summary or copy of the oral presentation be included with the notification.

DRAFTING INFORMATION

The principal persons involved in drafting this proposal are: Commander George F. Ireland, Project Manager, Office of Merchant Marine Safety, and Mr. Stanley Colby, Project Attorney, Office of Chief Counsel.

BACKGROUND

During the Winter of 1976/1977 several tanker casualties occurred in or near U.S. waters which demonstrated the need for a global effort to improve both the levels of safety and degree of pollution prevention from oil tankers. This series of casualties resulted in great public concern within the United States over the risks associated with the marine transportation of oil. Demands for the Federal government to take additional steps to improve tanker safety and pollution prevention were evident.

Both the Executive Branch of the Federal governent and the Congress responded to these demands. An Interagency Oil Pollution Task Force was established to review the problem and make recommendations. As a result, on March 17, 1977, President Carter announced a series of desired Federal government actions to deal with the problem of marine oil pollution caused by oil tankers.

These Presidential Initiatives included a diverse but interrelated group of measures designed to reduce the risks associated with the marine transportation of oil. These measures, both international and domestic in nature and scope, aimed toward achieving a number of objectives, including reform of ship construction and equipment standards for all U.S. and foreign tankers over 20,000 deadweight tons entering U.S. ports.

Specifically, the Secretary of Transportation was directed to develop new rules within 60 days which would include:

- Double bottoms on all new tankers;
- Segregated ballast on all tankers;
- Inert gas systems on all tankers;
- Backup radar and collision avoidance equipment on all tankers;
- Improved emergency steering standards for all tankers;
- Where technological improvements and alternatives could be shown to achieve the same degree of protection against pollution or safety benefits, the proposed rules could allow their use.

In response to these initiatives the Coast Guard published proposed rules in the May 16, 1977 issue of the FEDERAL REGISTER (42 FR 24868) to incorporate the recommended changes to ship construction and equipment standards. As a result of public interest generated by these proposals, the period for public comments was extended from September 1, 1977 to November 15, 1977. Over 200 written comments were received during this period, most of which indicated support for more stringent tanker standards.

At the same time, the United States proposed changes to the international standards for tanker construction and equipment and the international system of inspection and certification of tankers. These proposals, together with various alternatives, were considered at the International Conference on Tanker Safety and Pollution Prevention (TSPP) held under the auspices of the Intergovernmental Maritime Consultative Organization (IMCO) in London, February 6-17, 1978. IMCO is the specialized agency of the United Nations which considers maritime safety and pollution prevention matters. A draft environmental impact statement was prepared regarding the effects of U.S. participation in the February Conference and was made available to the Presidents Council on Environmental Quality and the public on February 3, 1978.

The Coast Guard waited until the International Conference was concluded before taking any further action on the proposal made on May 16, 1977.

WITHDRAWAL OF PROPOSAL OF MAY 16, 1977

The Conference adopted two important instruments; the *Protocol of 1978 Relating to the International Convention for the Safety of Life at Sea, 1974,* and the *Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973.* Because the standards adopted by the Conference are at least equivalent and in some cases are more stringent than the Presidential Initiatives, and realizing that pollution of the seas by oil is a global problem which requires a global solution, the Coast Guard intends to propose the TSPP standards instead of the rules for double bottoms and segregated ballast proposed in the FEDERAL REGISTER of May 16, 1977. Accordingly, that proposal is hereby withdrawn.

NEW PROPOSAL

On April 20, 1978 the Coast Guard issued a Notice in the FEDERAL REGISTER (43 FR 16886) of a plan to implement the results of the TSPP Conference. The dates for implementation were subsequently amended by another notice published in the FEDERAL REGISTER of September 21, 1978 (43 FR 42833). The proposal in this document is issued in accordance with that plan and adopts the substance of the TSPP requirements. This proposal also implements certain minimum standards contained in Section 5 of the Port and Tanker Safety Act of 1978 (PTSA) which are the same as standards adopted by the TSPP Conference. Other provisions of the new Act will be the subject of future rulemaking proposals in the FEDERAL REGISTER.

DISCUSSION OF THE PROPOSED REGULATIONS

The proposed regulations would require the following:

1. A crude oil tank vessel of 20,000 DWT or more that is contracted for after June 1, 1979 or delivered after June 1, 1982 would be required to have protectively located segregated ballast tanks (SBT) and crude oil washing (COW) system.

2. All other crude oil tank vessels of 40,000 DWT or more would be required to have either SBT, COW, or dedicated clean ballast tanks (CBT) not later than June 1, 1981. The CBT option ceases on June 1, 1983 for crude oil tank vessels of 70,000 DWT or more, and on June 1, 1985 for crude oil tank vessels between 40,000 DWT and 70,000 DWT.

3. A tank vessel of 30,000 DWT or more that carries oil other than crude oil, that is contracted for after June 1, 1979 or delivered after June 1, 1982 would be required to have protectively located SBT.

4. All other tank vessels of 40,000 DWT or more that carry oil other than crude oil would be required to have either SBT or CBT not later than June 1, 1981.

The definition of tank vessel has been expanded to include integrated tug barges. This is because for purposes of this propsed rulemaking the level of safety and pollution prevention of these vessels should be the same as self propelled tankships.

SBT are tanks which are completely separated from cargo oil and fuel oil systems and which are permanntly allocated to the carriage of water ballast. Protectively located (PL) SBT are segregated ballast tanks which are located within the cargo tank length of a tanker, outboard of or below the cargo tanks, which would provide protection against oil outflow in the event of a collision or grounding.

COW is a tank cleaning procedure that utilizes crude oil as the washing medium. Crude oil is discharged through fixed tank washing machines positioned so that oil is sprayed on internal tank bulkheads and structures to remove the oil residue which remains after cargo discharge. The spray action of the thixotropic crude oil and the subsequent rundown place the oil residue back into suspension so that the combination of remaining cargo and residue can be collected and discharged ashore through installed piping. Due to the solvent action of the crude oil, the amount of oil and sludge recovered and pumped ashore is increased significantly over that which is removed by other washing techniques. The potential for pollution is reduced because less oil and sludge remains in the empty tanks to be mixed with ballast water which is subsequently discharged.

Dedicated CBT are cargo tanks dedicated solely to the carriage of clean ballast water and no longer carry cargo. The associated piping systems and pumps may be common for both cargo and ballast systems provided they are flushed prior to handling clean ballast.

In interpreting the term "Major conversion", as used in the PTSA, the Coast Guard has determined that the installation of only segregated ballast tanks, dedicated clean ballast tanks, or a crude oil washing system would not be considered a major conversion. This determination is consistent with the use of that term in the *Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973.*

These proposed regulations would implement the Standards contained in the *Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973.* Proposed implementation dates and application of these standards are consistent with the Protocol. It is proposed that final rules be published before June 1, 1979, in order to meet the fixed date requirements contained in the Protocol.

The Coast Guard evaluated alternatives to, and standards in addition to, the standards adopted by the TSPP Conference. These included:

- The original TSPP proposals by the United States
- Increase in applicability of PL/SBT for new vessels
- Deletion of COW option for existing crude carriers
- Increased applicability of CBT and SBT options

The environmental and cost impacts of these measures, together with the reasons why the Coast Guard chose to implement the standards adopted by the TSPP Conference are set forth in the Environmental Impact Statement and Regulatory Analysis prepared as a part of this rulemaking proposal.

ENVIRONMENTAL IMPACT

The proposed regulations are aimed at reducing accidental and operational oil pollution and improving the safety of tank vessels, as were the measures proposed on May 16, 1977. For new crude oil carriers and tank vessels that carry oil other than crude oil (product carrier) the original proposal for double bottoms and SBT is being replaced by a proposal for protective location of SBT and, on new crude oil carriers, COW would also be required.

Protective location of SBT is the selective location of SBT along ths sides and bottom of the cargo tanks to provide a measure of protection against hull penetration produced by collision, ramming, or grounding. The proposed regulations would require 45% hull protection for tank vessels of 20,000 DWT linearly interpolated to 30% for 200,000 DWT tank vessels. Most of the tankers to which this rule applies and that operate within U.S. waters are in the size range that would require 40-45% protection of the cargo tanks. Protective location of SBT, together with COW for new crude oil tankers, is expected to provide at least the same level of protection of U.S. waters from operational pollution as would double bottoms.

Side damaging accidents (collisions and rammings) resulting in oil outflow within 50 miles of the U.S., occur more frequently than bottom damaging accidents. Thus SBT distributed to selectively protect 40-45% of the side and bottom shell area would have approxi-

mately the same effect in reducing accidental oil outflows in U.S. waters as would a requirement for double bottoms.

All tankers that have COW would be required to have an inert gas system that must be in proper operation during the washing process. The proposed dates for implementation of requirements for inert gas systems are also contained in the September 21, 1978 notice.

For existing vessels (defined in § 157.03(j) as any vessel that is not a new vessel) the May 16, 1977 proposed requirement for SBT is being replaced. The new proposal would give existing crude oil carriers the option of SBT or COW with CBT as an interim measure. Existing product carriers would have the option of SBT or CBT. Where SBT or CBT are located against the shell of the tank vessel, they provide defense against accidental oil outflow in the event of a collision, ramming, or grounding, in which case the added benefits of protective location of SBT previously discussed would apply.

Operational pollution from tank vessels occurs from deballasting, tank cleaning, and sludge removal prior to shipyard entry. SBT eliminates oil pollution generated during deballasting but does not reduce oil pollution from the other two operations. COW, however, reduces pollution from all of these operations. In addition, COW provides an economic benefit because a greater amount of cargo may be discharged ashore from each tank that has been crude oil washed.

It is estimated that SBT on all existing crude oil tank vessels of 40,000 DWT or more which call at U.S. ports would reduce by about 28% the estimated amount of operational oil inputs to the world's oceans from those vessels. COW, installed on these vessels and operated in accordance with the proposed regulations in lieu of SBT, would reduce the same estimated oil input figure by about 38%. In view of this comparison, the Coast Guard considers COW an equivalent environmental protection substitute for SBT.

CBT nearly eliminates the oil/water mixture created by ballasting and deballasting but, like SBT, has little or no effect on oil pollution caused by normal tank cleaning and tank cleaning prior to shipyard entry. For crude oil carriers CBT would be an interim measure before SBT or COW would be required. For product carriers, tank cleaning operations often take place after each cargo discharge to ensure purity of the next cargo to be loaded. This results in very little oil remaining in the cargo tanks and piping system. For this reason the Coast Guard considers CBT to have about the same effect as SBT on reduction of operational oil pollution from product carriers.

These new measures are expected to prevent approximately 49,000 metric tons of oil per year from entering the navigable waters of the United States and the world's oceans.

Effective operation of COW and CBT systems would depend upon adherence to a detailed operating procedure. For this reason an approved operating manual would be required for each vessel with a COW or CBT system. Being tailored for each vessel, these manuals would be expected to enhance performance of these operations as well as provide specific information for crew members.

The environmental impact of this proposal is discussed in greater detail in the Draft Environmental Impact Statement prepared as a part of this rulemaking proposal.

Economic Impact

The Coast Guard estimates that this proposed amendment will affect between 589 and 655 existing foreign crude oil carriers and between 138 and 156 foreign product carriers, depending upon options chosen by ship owners. Approximately 90 existing U.S. product carriers and crude oil carriers would be affected. To achieve greater utility, some shipowners will choose to outfit their vessels to satisfy the requirements for both crude and product carriers. The number of tank vessels expected to be outfitted in this manner cannot be predicted with any degree of certainty because it is a choice to be made by individual owners. There were about 150 tankers over 40,000 DWT engaged in both crude and product service to the United States in 1976. These estimates do not account for any market compression that could result from this amendment.

Because of the current worldwide tanker surplus and the expected increase in domestic pipeline transportation of oil, very few new tankers are expected to be constructed between now and 1985. Tanker construction beyond 1985 is unknown at this time. For these reasons, the economic data assumes zero cost for new tank vessel construction.

Depending upon options chosen by shipowners, the projected initial capital cost for SBT, COW, and/or CBT, on all existing U.S. tank vessels and foreign tank vessels which call at U.S. ports, is estimated to be between $375 and $650 million. The total outlays which will be passed on to the consumer as a result of higher freight rates is estimated to be between $700 million and $1.225 billion at an expected annual cost between $50 and $85 million each subsequent year until 1985. The cost of this proposed amendment on a per ship basis, is between $0.0 and $2 million for a product carrier and between $0.5 and $2 million for a crude oil carrier, depending upon the option chosen and the size of the vessel. After 1985 the cost effect of this amendment on new tanker construction, which is unknown at this time, would be in addition to the above costs.

The economic impact is discussed in greater detail in the Draft regulatory Analysis prepared as a part of this rulemaking proposal.

Other Impacts

These proposals are also expected to increase the level of safety of tankers because SBT and CBT, when located along the sides of a vessel, reduce the risk of fire or explosion following a collision or ramming. In this regard, COW, because it will be installed with an inert gas system, is also expected to reduce the risk from fire and explosions within cargo tanks.

Proposed Regulations

Amendments to Part 157 of Title 33, Code of Federal Regulations, are proposed in this document as follows:

Division I contains proposed amendments to specific sections in Part 157 that require modification because of standards contained in the MARPOL Protocol and to conform the applicability to that prescribed in Section 5 of the Port and Tanker Safety Act of 1978 (Pub. L. 95-474).

Division II below contains the complete text of Resolution 14 to the MARPOL Protocol (Specifications for Oil tankers With Dedicated Clean Ballast Tanks) on the left side of the page and immediately to the right, the Coast Guard's interpretation of Resolution 14 in the form of proposed regulations or, in place of a proposal, and explanation of why the specification was not adopted.

Division III below contains the complete text of Resolution 15 to the MARPOL Protocol (Specifications for the Design, Operation and Control of Crude Oil Washing Systems) on the left side of the page and immediately to the right, the Coast Guard's interpretation of Resolution 15 in the form of proposed regulations or, in place of a proposal, an explanation of why the specification was not adopted.

The two column format is used to simplify reference to the MARPOL Protocol. The proposed regulations of Division II and III would be rearranged in a regulatory format and published as Subpart E and D, respectively, to Part 157 of Title 33.

This proposal has been reviewed under the Department of Transportation's "Polices and Procedures for Simplification, Analysis, and Review of Regulations" (43 FR 9582, March 8,

1978). A draft evaluation of the proposal has been prepared, and has been included in the public docket.

In consideration of the foregoing, the Coast Guard proposes to amend Part 157 of Title 33, Code of Federal Regulations as follows:

DIVISION I

1. By revising § 157.01 to read as follows:

§ 157.01 Applicability.

(a) This part prescribes design, equipment, and operation requirements for each tank vessel of 150 gross tons or more carrying oil in bulk that—

(1) Is documented under the laws of the United States (U.S. vessel); or

(2) Is a foreign vessel that—

(i) Calls at a port or place subject to the jurisdiction of the United States; or

(ii) Otherwise enters or operates in the navigable waters of the United States.

(b) This part does not apply to vessels listed in subsections (4) and (5) of Section 4417a of the Revised Statutes of the United States (46 U.S.C. 391a).

2. By amending § 157.03 by revising paragraphs (k), (n), and (v) and by adding paragraphs (bb), (cc), (dd), and (ee) to read as follows:

§ 157.03 Definitions.

* * * * *

(k) "Major conversion" means a conversion of an existing vessel that—

(1) Substantially alters the dimensions or carrying capacity of the vessel;

(2) Changes the type of vessel; or

(3) Substantially prolongs the vessel's service life.

Installation of only segregated ballast tanks, dedicated clean ballast tanks, or a crude oil washing system does not constitute a substantial alteration of carrying capacity.

* * * * *

(n) "Oil" means oil of any kind or in any form, including but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil.

* * * * *

(v) "Tank vessel" means a vessel that is constructed or converted to carry liquid bulk oil cargoes in tanks and includes tankers, tankships, tank barges, combination carriers, and integrated tug barges.

* * * * *

(bb) "Crude oil" means any liquid hydrocarbon mixture occurring naturally in the earth, whether or not treated to render it suitable for transportation, and includes crude oil from which certain distillate fractions may have been removed, and crude oil to which certain distillate fractions may have been added.

(cc) "Product" means any oil except crude oil.

(dd) "Dedicated clean ballast tank" means a cargo tank that is allocated solely for the carriage of clean ballast.

(ee) "Integrated tug barge" means a tug and a tank barge with a mechanical system that allows the connection of the propulsion unit (the tug) to the stern of the cargo carrying unit (the tank barge) so that the two vessels function as a single self-propelled vessel.

3. By revising the title of Subpart B to read as follows:

Subpart B—Design, Equipment, and Installation

4. By adding § 157.08(f) to read as follows:

§ 157.08 Applicability of Subpart B.

* * * * *

(f) Sections §§ 157.09 and 157.10a do not apply to a new vessel that—

(1) Is constructed under a building contract awarded after June 1, 1979;

(2) In the absence of a building contract, has the keel laid or is at a similar stage of construction after January 1, 1980;

(3) Is delivered after June 1, 1982; or

(4) Has undergone a major conversion for which—

(i) The contract is awarded after June 1, 1979;

(ii) In the absence of a contract, conversion is begun after January 1, 1980; or

(iii) Conversion is completed after June 1, 1982.

5. By adding a new § 157.10 to read as follows:

§ 157.10 Protective location of segregated ballast tanks and crude oil washing systems for certain new vessels.

(a) This section applies to a new vessel that—

(1) Is constructed under a building contract awarded after June 1, 1979;

(2) In the absence of a building contract, has the keel laid or is at a similar stage of construction after January 1, 1980;

(3) Is delivered after June 1, 1982; or

(4) Has undergone a major conversion for which—

(i) The contract is awarded after June 1, 1979;

(ii) In the absence of a contract, conversion is begun after January 1, 1980; or

(iii) Conversion is completed after June 1, 1982.

(b) Each vessel under this section of 20,000 DWT or more that carries crude oil and of 30,000 DWT or more that carries only products must have segregated ballast tanks that have a total capacity to allow the vessel to meet the draft and trim requirements in paragraph (c) of this section without recourse to the use of oil tanks for water ballast.

(c) In any ballast condition during any part of a voyage, including that of lightweight with only segregated ballast, each vessel under paragraph (b) of this section must have the capability of meeting each of the following:

(1) The molded draft amidship (dm) in meters, without taking into account vessel deformation, must not be less than dm in the following mathematical relationship:

$$dm = 2.0 + 0.02L$$

(2) The drafts at the forward and after perpendiculars must correspond to those determined by the draft amidship under paragraph (c)(1) of this section, in association with a trim by the stern of no more than 0.015L.

(3) The minimum draft at the after perpendicular is that which is necessary to obtain full immersion of the propeller.

(d) Segregated ballast tanks under paragraph (b) of this section, voids, and other spaces that do not carry cargo which are within the cargo tank length must be distributed as determined under the procedure contained in Appendix C of this part.

(e) Each vessel under this section of 20,000 DWT or more that carries crude oil must have a crude oil washing system that meets the design, equipment, and installation requirements in Subpart D of this part.

(f) Each vessel under this section may be designed to carry ballast water in cargo tanks as allowed under § 157.35.

6. By adding a new § 157.10a to read as follows:

§ 157.10a Segregated ballast tanks, crude oil washing systems, and dedicated clean ballast tanks for certain new and existing vessels.

(a) Not later than June 1, 1981, except as allowed in paragraph (b) of this section, an existing vessel of 40,000 DWT or more that carries crude oil and a new vessel of 40,000 DWT or more but less than 70,000 DWT that carries crude oil must have—

(1) Segregated ballast tanks with a total capacity to meet the draft and trim requirements in paragraph (d) of this section; or

(2) A crude oil washing system that meets the design, equipment, and in-

stallation requirements of Subpart D of this part.

(b) Each vessel otherwise subject to paragraph (a) of this section does not have to meet the requirements of paragraph (a) of this section until June 1, 1983, for an existing vessel of 70,000 DWT or more, or until June 1, 1985, for a new or existing vessel of 40,000 DWT or more but less than 70,000 DWT, if the vessel has—

(1) Dedicated clean ballast tanks with the total capacity to meet the draft and trim requirements under paragraph (d) of this section; and

(2) The equipment under Subpart E of this part.

(c) Not later than June 1, 1981, an existing vessel of 40,000 DWT or more that carries only products and a new vessel of 40,000 DWT or more but less than 70,000 DWT that carries only products must have—

(1) Segregated ballast tanks with a total capacity to meet the draft and trim requirements in paragraph (d) of this section; or

(2) Dedicated clean ballast tanks with a total capacity to meet the draft and trim requirements in paragraph (d) of this section; and

(3) The equipment required under Subpart E of this part.

(d) In any ballast condition during any part of a voyage, including that of lightweight with either segregated ballast in segregated ballast tanks or clean ballast in dedicated clean ballast tanks, each vessel under paragraphs (a)(1), (b), and (c) (1) and (2) of this section must have the capability of meeting each of the following:

(1) The molded draft amidship (dm) in meters, without taking into account vessel deformation, must not be less than dm in the following mathematical relationship:

$$dm = 2.0 + 0.02L$$

(2) The drafts at the forward and after perpendiculars must correspond to those determined by the draft amidship under paragraph (d)(1) of this section, in association with a trim by the stern of no more than 0.015L.

(3) The minimum draft at the after perpendicular is that which is necessary to obtain full immersion of the propeller.

(e) Each vessel that meets paragraph (a)(1), (b), or (c) of this section may be designed to carry ballast water in cargo tanks as allowed under § 157.35.

7. By adding § 157.11 (d) and (e) to read as follows:

§ 157.11 Pumping, piping, and discharge arrangements.

* * * * *

(d) Each vessel under § 157.10 must have—

(1) Oil piping lines that are designed and installed to minimize oil retention in those lines;

(2) Equipment that drains each cargo pump and oil piping line of oil residue;

(3) Oil piping lines for the draining of oil residue from cargo pumps and other oil piping lines to a cargo tank or a slop tank; and

(4) An oil piping line that terminates on the weather deck at the extreme breadth of the deck for the draining of oil residue from cargo pumps and other oil piping lines to a receptacle on the shore.

(e) Each vessel under §§ 157.09 and 157.10a must have—

(1) Equipment that drains each cargo pump and oil piping line of oil residue;

(2) Oil piping lines for the draining of oil residue from cargo pumps and other oil piping lines to a cargo tank or a slop tank; and

(3) An oil piping line that terminates on the weather deck at the extreme breadth of the deck for the draining of oil residue from cargo pumps and other oil piping lines to a receptacle on the shore.

8. By revising § 157.15(b)(1) to read as follows:

§ 157.15 Slop tanks in tank vessels.

* * * * *

(b) * * *

(1) Segregated ballast tanks that meet the requirements in § 157.09, § 157.10, or § 157.10a; or

* * * * *

9. By revising § 157.24(c) to read as follows:

§ 157.24 Submission of calculations, plans, and specifications.

* * * * *

(c) Calculations to substantiate compliance with the segregated ballast distribution requirements in § 157.09(d) or § 157.10(d).

* * * * *

10. By revising § 157.35 to read as follows:

§ 157.35 Ballast added to cargo tanks.

The master of a tank vessel that meets § 157.09, § 157.10, § 157.10a(a)(1), § 157.10a(b), or § 157.10a(c) shall ensure that ballast water is carried in segregated ballast tanks or dedicated clean ballast tanks, except additional ballast water may be carried in a cargo tank if—

(a) The vessel encounters abnormally severe weather conditions;

(b) More ballast water than can be carried in segregated ballast tanks or dedicated clean ballast tanks in necessary for the safety of the vessel;

(c) The ballast water is processed and discharged in compliance with § 157.37; and

(d) On a new vessel under § 157.10 that carries crude oil, the ballast water is only carried in a cargo tank that was crude oil washed in accordance with Subpart D of this part during the most recent discharge of crude oil from that tank.

11. By adding Appendix C to Part 157 to read as follows:

APPENDIX C—PROCEDURE FOR DETERMINING DISTRIBUTION OF SEGREGATED BALLAST TANKS TO PROVIDE PROTECTION AGAINST OIL OUTFLOW IN THE EVENT OF GROUNDING OR COLLISION

1. *Source.* The procedure for determining the distribution of segregated ballast tanks contained in this appendix conforms to Regulation 13E of the *Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973,* done at London on February 17, 1978.

2. *Procedure.* protective location of segregated ballast tanks, voids, and other spaces that do not carry cargo which are within the cargo tank length is determined from the following:

$$\epsilon PA_c + \epsilon PA_s \geq J\,[L_t(B+2D)]$$

Where—

PA_c=the side shell area in square meters based on projected molded dimensions for each segregated ballast tank, void, or other space that does not carry cargo which complies with paragraph 2(b) of this appendix;

PA_s=the bottom shell area in square meters based on projected molded dimensions for each segregated ballast tank, void, or other space that does not carry cargo which complies with paragraph 2(b) of this appendix;

L_t=the length in meters between the forward and after extremities of the cargo tanks;

B=the maximum breadth of the ship in meters measured amidship to the molded line of the frame; and

D=the molded depth in meters measured vertically from the top of the keel plate to the top of the freeboard deck beam at the side amidships. In tank vessels having rounded gunwales, the molded depth is measured from the top of the keel plate to the point of intersection of the molded lines of the deck and side shell plating, the lines being extended as though the gunwale were of angular design.

(a) *Method of determining a value for J.*

(1) For tank vessels of 20,000 DWT, J=0.45.

(2) For tanks vessels of 200,000 DWT or more—

(A) J=0.30; or

(B) J=the greater of 0.20, or

$$0.30 - [a - (0_c + 0_s)/4\,0_s],$$

where:

a=0.25 for tank vessels of 200,000 DWT.
a=0.40 for tank vessels of 300,000 DWT.
a=0.50 for tank vessels of 420,000 DWT.

For values of DWT between 200,000 and 300,000 DWT, 300,000 and 420,000 DWT, and greater than 420,000 DWT, the value of "a" is determined by linear interpolation.

0_c=as calculated in Appendix A of this part.

0_s=as calculated in Appendix A of this part.

0_A=the allowable oil outflow meeting § 157.19(b)(1) of this part.

(3) For values of DWT between 20,000 DWT and 200,000 DWT, the value of "J" is determined by linear interpolation between 0.45 and 0.30 respectively.

(b) PA_c and PA_s: Criteria for determining the segregated ballast tanks, voids, and other spaces that do not carry cargo.

The following criteria are to be met for a segregated ballast tank, void, or space that does not carry cargo to be used in determining PA_c and PA_s:

(i) The minimum width of each wing tank or space, either of which extends for the full depth of the vessel's side or from the main deck to the top of the double bottom is 2 meters or more. The width is measured inboard from the vessel's side shell plating at right angles to the vessel's center line. If a wing tank or space has a width anywhere within it that is less than 2 meters, that wing tank or space is not to be used when calculating PA_c.

(ii) The minimum vertical depth of each double bottom tank or space is B/15 or 2 meters, whichever is smaller. If a double bottom tank or space has a depth less than 2 meters or B/15 anywhere within it, the double bottom tank or space is not to be used when calculating PA_s.

(iii) The minimum width of a wing tank or space is not measured in the way of—

(A) The turn of the bilge area; or

(B) A rounded gunwale area.

(iv) The minimum depth of a double bottom tank or space is not measured in the way of the turn of the bilge area.

DIVISION II - DEDICATED CLEAN BALLAST TANKS

12. The following is reprinted from the

ANNEX TO RESOLUTION 14 OF THE INTERNATIONAL CONFERENCE ON TANKER SAFETY AND POLLUTION PREVENTION, 1978:

SPECIFICATIONS FOR OIL TANKERS WITH DEDICATED CLEAN BALLAST TANKS

12. The following is the Coast Guard interpretation and proposed implementat of Resolution 14:

Subpart E Dedicated Clean Ballast Tanks: Design and Operation

---

1. PURPOSE

The purpose of these Specifications is to define:

(a) the proper on board arrangements, and

(b) the operational procedures

for the dedicated clean ballast tanks (CBT) concept. These Specifications are intended to be used by shipowners when developing and by Administrations when approving detailed arrangements and procedures for each individual tanker.

[Paragraph 1 of the Annex is a statement of general policy and would not be included in this proposed subpart.]

---

2. APPLICATION

These Specifications apply to oil tankers intended to be operated under the CBT concept in accordance with Regulation 13A of Annex I of the Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973 (MARPOL Protocol).

[Applicability statements are in proposed §157.10a.]

---

3. ON BOARD ARRANGEMENTS

The selection of tanks dedicated solely to the carriage of clean ballast and the pumping and piping arrangements shall be developed by the shipowner and be approved and certified by the Administration on the basis of these specifications.

(a) Each owner of a U.S. tank vessel under §157.10a(b) or §157.10a(c)(2 must submit to the Commandant (G-MMT), U.S. Coast Guard, Washington D.C. 20590, plans that include -

(1) the dedicated clean ballast tanks arrangement; and

	(2) the pumping and piping arrangements for the dedicated clean ballast tanks. (b) If the plans submitted under paragraph (a) of this section show that the dedicated clean ballast tank system meets this subpart, the Commandant informs the owner by letter that the plans are accepted. (c) If the owner of a foreign tank vessel under §157.10a(b) or §157.10a(c)(2) desires the Coast Guard letter under [paragraph (b)(2) opposite Annex paragraph 6.], the owner must submit to the Commandant (G-MMT), U.S. Coast Guard, Washington D.C. 20590, plans that include - (1) the dedicated clean ballast tanks arrangement; and (2) the pumping and piping arrangements for the dedicated clean ballast tanks. (d) If the plans submitted under paragraph (c) of this section show that the dedicated clean ballast tank system meets this subpart the Commandant informs the owner by letter that the plans are accepted.
3.1 Selection of tanks The selection of clean ballast tanks shall be made to achieve the best overall result from operational and pollution prevention points of view, having regard to the following aspects;	[The introductory sentence of Annex Resolution 3.1 is broad and vague and would not be adopted in the proposed subpart.]
(a) Tanks shall be so selected as to provide adequate capacity to enable the tanker to meet the minimum draught and trim requirements specified in Regulation 13(2) of Annex I of the MARPOL Prototol.	[This requirement is addressed in proposed §157.10a(d).]
(b) Hull stress must be within acceptable limits in the resulting ballast and loaded conditions.	[Under 46 CFR 31.10-1, each tank vessel must meet the current standards of the American Bureau of Shipping relating to the material and construct of its hull. Consequently the requirement in Annex paragraph 3.1(b) is redundant and would not be included in this proposed subpart.]

(c) Tanks shall be so selected as to require a minimum of involvement of the cargo piping and pumping system.	(a) Dedicated clean ballast tanks must be those cargo tanks that - (1) have the least amount of oil conveyed through the pumping and piping system; (2) allow the vessel to meet the draft and trim requirements under §157.10a(d)(1), (2), and (3), when filled with ballast water; and (3) are wing tanks or are center tanks that are accepted by the Commandant.
(d) While wing tanks are preferable from the damage protection point of view for carriage of clean ballast, centre tanks are acceptable, if they offer a significantly better overall arrangement with regard to tank volume and piping arrangements.	
(e) If a slop tank is not included in the original tank arrangement, a tank of sufficient capacity shall be designated as the slop tank to receive the pipe flushing water.	[Slop tanks on tank vessels are required under 33 CFR 157.15; therefore it is unnecessary to include the Annex requirement in this subpart.]
3.2 Pumping and piping	
In the overall arrangement the following points should also be kept in mind:	[The introductory sentence of Annex paragraph 3.2 implies that the subparagraphs following it are advisory. The Coast Guard, however, regards most as mandatory.]
(a) All ballast tanks should, whenever possible, be served by a single pump with a minimum of piping involved, in order to reduce the risk of contamination.	(a) Dedicated clean ballast tanks must be connected only to one pump using the least practicable amount of piping.
(b) The piping system required for ballast handling should be arranged to flush without depositing oily water in the clean ballast tanks. Flushing may be done from a sea chest through the piping to a slop tank or from the clean ballast tanks to the slop tank. If separate ballast lines are used, these lines need not be flushed.	(b) Each piping system that is arranged to convey clean ballast and cargo must be designed to be flushed to the slop tank with water. (c) The piping system of each dedicated clean ballast tank must be arranged so that oily water does not enter any dedicated clean ballast tank when the tank piping system is flushed.

[The Coast Guard regards the second sentence of Annex paragraph 3.2(b) as a operating requirement which would read as follows:

The master shall ensure that flushing water is pumped from a sea chest or a dedicated clean ballast tank through the dedicated clean ballast piping system and then to a slop tank.]

(c) "Dead end" pipe sections should be avoided as far as possible but where necessary means shall be provided to drain such sections by connexion to a stripping device.

[The requirement of Annex paragraph 3.2(c) is included in proposed §157.11(e).]

(d) Double valve separation of ballast and cargo spaces should always be maintained during the voyage and to the maximum extent possible during cargo and ballast operations.

(d) Each dedicated clean ballast tank must be isolated from each cargo tank by at least two valves in the piping system.

[The following operating requirements would be added to read:

The master of each U.S. tank vessel under §157.10a(b) or §157.10a(c)(2) shall ensure that the valves isolating each dedicated clean ballast tank from each cargo tank remain closed during a voyage.

The master of each foreign tank vessel under §157.10a(b) or §157.10a(c)(2) shall ensure that the valves isolating each dedicated clean ballast tank from each cargo tank remain closed when the vessel operates in the navigable waters of the United States.]

(e) When an oil content meter is installed as required by Regulation 13A(3) of the MARPOL Protocol, sampling points should be arranged to enable sampling of all discharges of clean ballast water, as well as regular load on top (LOT) discharges. When possible a sampling point should be arranged to enable sampling of the pipe flushing water routed to the slop tank.

[Requirements for approval, installation and operation of cargo monitors that would meet Annex paragraph 3.2(e) are in proposed 33 CFR 157.11 and proposed 46 CFR Subpart 162.050 which were published as CGD 76-088b and CGD 76-088a in the Federal Register of June 27, 1977 (42 FR 32684 and 32686).]

(e) The dedicated clean ballast piping system must have a sample point that is -

(1) located in a vertical section of piping; and

(2) of the type shown in 46 CFR Figure 162.050-17(e) (proposed on page 32690 of the June 27, 1977 Federal Register).

---

4. OPERATIONAL PROCEDURES

A Clean Ballast Tank Operation Manual, which includes a check list, shall be developed by the shipowner for each individual tanker and shall be approved by the Administration on the basis of these Specifications.

[New paragraphs (c) and (e) would be added to §157.23 to read as follows:

§157.23 Cargo and ballast system information.

* * * * *

(c) Each tank vessel under §157.10a(b) or §157.10a(c)(2) must have a manual entitled Dedicated Clean Ballast Tank Operation Manual approved by the Coast Guard or the government of the vessel's flag state that includes -

(1) a procedure for clean ballast tank operations. (Appendix D is an example of such a procedure.); and

(2) the text of the Annex of Resolution 14 of the Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973, done at London on February 17, 1978.

* * * * *

(e) [Procedures for submittal and approval similar to that contained in 46 CFR Subpart 50.20 and in 43 FR 49440 would appear here.]

4.1 In loading port

Prior to the tanker's arrival at loading port, the clean ballast quantity may be reduced to berthing condition, using a pipe that has

(a) Before clean ballast in a dedicated clean ballast tank is discharged or transferred, the master of each vessel under §157.10a(b)

been cleaned during the ballast voyage. A CBT tanker is never loaded to its full cargo carrying capacity, and is normally capable of carrying a full cargo together with the normal quantity of port ballast, i.e. quantity of clean ballast for arrival purposes. This enables the tanker to operate, draught permitting, without handling any ballast water in port.

After any discharge of clean ballast in port the affected pipe system should be drained, and all valves to clean ballast tanks should be closed. If the pipe flushing procedure requires water to be available in the ballast tanks, the proper quantity is left in these tanks before they are closed off from the piping system. Thereafter, the piping system is used for normal cargo loading operations.

4.2 Loaded voyage

During the voyage in loaded condition pump and pipe flushing is carried out. Any resulting oily mixtures are to be settled in a slop tank. Overboard discharges from the slop tank are to be controlled in accordance with the requirements of the MARPOL Protocol.

When convenient after departure, the pumping and piping system to be used for clean ballast handling is flushed to a slop tank. The quantity of flushing water available should be at least 10 times the affected pipe volume. If ballast in excess of the necessary flushing water quantity is retained on board during loading, the remaining quantity can be discharged overboard using the clean piping.

When an oil content meter is installed in accordance with the requirements of Regulation 13A(3) of Annex I of the MARPOL Protocol, all discharges shall be monitored by this equipment. Where possible, the oil content in the pipe flushing water shall also be monitored to assist in controlling the efficiency of the flushing and for the detection of any abnormalities in the operation.

or §157.10a(c)(2) shall ensure that the pump and piping system for conveying the clean ballast are flushed.

(b) Before the piping system under [paragraph (b) opposite Annex paragraph 3.2(b)] of this section is used for cargo transfer operations the master shall ensure that -

(1) the volume of water in the dedicated clean ballast tanks for flushing the piping system, is equal to at least 10 times the volume of the pipe to be flushed;

(2) the piping system is drained of fluid; and

(3) the valves under [paragraph (d) opposite Annex paragraph 3.2(d)] are closed.

(c) The master of a U.S. tank vessel under §157.10a(b) or (c)(2) during a voyage, and the master of a foreign tank vessel under §157.10a(b) or (c)(2) when operating in the navigable waters of the United States or calling at a port or place subject to the jurisdiction of the United States, shall ensure each of the following:

(1) If the pumps and piping system for clean ballast are flushed, they are flushed to the slop tank.

(2) If clean ballast water is discharged, it is discharged through a piping system that has been flushed before the water is discharged.

(3) Clean ballast from each dedicated clean ballast tank is discharged in accordance with §157.43.

(4) When the piping system is being flushed -

(i) the oil content of the flushing water in the piping system is monitored by the cargo monitor under §157.11(b) (proposed on page 32685 of the June 27, 1977 Federal Register);and

(ii) the piping system is flushed until the oil content of the flushing water in the piping stabilizes.

4.3 In unloading port

Prior to berthing in an unloading port, a quantity of clean ballast, adequate for flushing the piping designated for handling clean ballast, shall be taken on board through that piping which has remained clean throughout the voyage. If port draught limitations permit, it is recommended that more ballast be taken on board within the deadweight limit, up to the normal quantity for departure condition, thereby eliminating the need for further handling of ballast during the unloading. If it is expected that further ballasting during the unloading is necessary, the required pump and pipe section is initially left clean. The desired ballast is taken on as soon as draught conditions permit, whereupon the unloading can continue with all pumps available.

Upon completion of the unloading or at departure, the pump and piping is flushed to the slop tank, followed by ballasting of the clean ballast tanks to normal sea conditions.

(5) If a pump or piping system that is flushed is used to convey cargo during an emergency, it is reflushed as prescribed in paragraph (c)(1) of this section before it is used to convey clean ballast.

(6) Dedicated clean ballast tanks are not ballasted during the loading or unloading of cargo.

4.4 Ballast voyage

During the ballast voyage the pumping and piping system used for handling clean ballast shall be kept clean and, after any handling of oily water, be reflushed as necessary in preparation for ballast handling in the loading port. Overboard discharges from the slop tank are to be controlled in accordance with the requirements of the MARPOL Protocol.

[The first sentence of Annex section 4.4 is proposed in the paragraph opposite Annex paragraph 4.1. The second sentence is not proposed because it would be redundant to 33 CFR 157.37 as amended by CGD 76-088b published in the Federal Register of June 27, 1977.]

4.5 Check list

The approved operational procedures should be supplemented by a check list. The list in the Appendix to these Specifications applies generally to all tankers operating under the CBT concept. When the check list for a specific tanker is prepared, it should be expanded to include any other step of relevance and be completed with appropriate identification of pumps, valves, etc.

[The check list in Annex section 4.5 would be included as Appendix D to 33 CFR Part 157.]

5. SURVEY AND CERTIFICATION

5.1 Every oil tanker intended to be operated with dedicated clean ballast tanks in accordance with Regulation 13A of Annex I of the MARPOL Protocol, shall be subject to the survey required by Regulation 4 of Annex I of that Protocol and carried out in accordance with these Specifications.	[U.S. tank vessels would be inspected in accordance with 46 CFR Part 31. Foreign tank vessels would be boarded as the enter U.S. ports or waters to determine if they comply with this subpart. A document would be issued by the Coast Guard to evidence compliance.]
5.2 Such survey should be made prior to the date of coming into force of the MARPOL Protocol in order to enable issue of the International Pollution Prevention Certificate before compliance with the MARPOL Protocol requirements becomes mandatory.	[International Pollution Prevention Certificates will not be issued by the Coast Guard until after the MARPOL Protocol comes into effect. When a vessel complies with this subpart during inspection opposite Annex paragraph 5.1, it is proposed that a letter showing compliance with this subpart be issued to the vessel. When certificates come into effect, it is proposed that a certificate showing compliance with 33 CFR 157 be issued to the vessel.]
5.3 The survey shall verify the appropriateness of: - the selection of ballast tanks and pumping and piping arrangements, in accordance with Section 3 above; - the CBT Operation Manual, i.e. the detailed operational procedures including check list, in accordance with Section 4 above.	[The survey requirements of Annex paragraph 5.3 are inherent in the requirement of the paragraph opposite Annex paragraph 6 that the vessel meet the approved plans and have an instruction manual in order to receive a letter.]
5.4 Upon approval in the respects mentioned in Section 5.3 above, the International Pollution Prevention Certificate shall be issued by the Administration. The wording in the Certificate shall state which tanks are approved solely for the carriage of dedicated clean ballast. It shall also state that the Master has been supplied with information concerning approved operational procedures (CBT Operation Manual).	[A letter under paragraph (b) or (d) opposite Annex paragraph 3 will be issued instead of the Certificate until the MARPOL Protocol comes into effect.]

5.5 Alterations to a CBT tanker which affect its capability to be operated under the CBT concept require the approval of the Administration and shall be reflected in the International Pollution Prevention Certificate and, if appropriate, in the CBT Operation Manual.

(a) The master shall ensure that no person alters the dedicated clean ballast tanks or equipment of a tank vessel that has a letter under [paragraph (b) or (d) opposite Annex paragraph 3] so that they no longer meet the plans accepted under [paragraph (a) or (c) opposite Annex paragraph 3] unless -

(1) The owner submits plans to the Commandant (G-MMT), U.S. Coast Guard, Washington, D.C. 20590, that show the alterations;

(2) the owner submits to the Commandant (G-MMT), U.S. Coast Guard, Washington, D.C. 20590, changes to the manual under §157.23(c) that describes the alterations; and

(3) the Commandant informs the owner by letter that he accepts the plans submitted under paragraph (a) of this section and the description of the alterations submitted under paragraph (b) of this section.

6. DOCUMENTS

The International Pollution Prevention Certificate and the CBT Operation Manual shall at all times be available on board the tanker.

(a) On and after June 1, 1981, the master of a U.S. tank vessel under §157.10a(b) or §157.10a(c)(2) shall ensure that the vessel does not engage in a voyage unless the vessel has on board -

(1) the letter from the Commandant under [paragraph (b) opposite Annex paragraph 3]; and

(2) the Coast Guard approved manual entitled Dedicated Clean Ballast Tank Operation Manual under [paragraph (c) opposite Annex paragraph 4].

(b) On and after June 1, 1981, no foreign tank vessel under §157.10a(b) or §157.10a(c)(2) may enter the navigable waters of the U.S. or call at a port or place subject to the jurisdiction of the U.S. unless the vessel has on board a manual entitled Dedicated Clean Ballast Tank Operation Manual that is approved by the U.S. Coast Guard or the government of the vessel's flag state and -

(1) A document from the government of the vessel's flag state that certifies the vessel's compliance with Resolution 14 of the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973, done at London on February 17, 1978; or

(2) A letter under [paragraph (d) opposite Annex paragraph 3] from the Commandant accepting the plans under [paragraph (c) opposite Annex paragraph 3].

APPENDIX

CBT OPERATIONAL PROCEDURES - CHECK LIST

[The appendix to the Annex would be included as Appendix D to 33 CFR Part 157 as an example of a check list.]

I. Prior to arrival at the loading port

1. Transfer all remaining slop to a cargo tank.
2. Ensure that the pumping and piping designated for clean ballast operation have been properly cleaned to accommodate simultaneous discharge of clean ballast while loading.
3. Ensure that all valves to the slop tank and the cargo tanks are closed.
4. Perform visual inspection of all clean ballast tanks and their contents, if any, for signs of contamination.
5. Discharge a sufficient amount of clean ballast water to ensure that remaining ballast water and cargo to be loaded will not exceed the permissible deadweight or draught. Leave a sufficient amount of water for flushing the piping, and as a minimum, a quantity equal to 10 times the volume of the affected piping.
6. Ensure that all valves to the clean ballast tanks are closed.
7. If no further ballast discharge is anticipated, drain the clean ballast piping.

II. In the loading port

1. Perform normal loading operations of cargo tanks.
2. Ensure sufficient slop tank capacity is available for subsequent reception or cargo pump and pipe flushings.

3. When applicable, discharge remaining clean ballast before entire piping system is used for loading. Leave the required minimum quantity of flushing water in ballast tanks.
4. Ensure that all valves to the clean ballast tanks are closed.
5. Ensure that all valves to the cargo tanks are closed upon completion of loading.

III. After departure from the loading port

1. Flush appropriate pumping and piping with sufficient water from clean ballast tanks into a slop tank.
2. Ensure that valves to the slop tank are closed before pumping the remaining clean water overboard and monitoring oil content of the water, either visually or by a content meter.
3. Ensure that all valves in the clean ballast tanks are closed.

IV. Prior to arrival at the unloading port

1. Ensure that all valves to the slop tank and the cargo tanks are closed.
2. Recheck that the pumping and piping designated for clean ballast operation have been properly cleaned.
3. Ballast as required through clean cargo pumps and pipes, considering port draught requirements.
4. Ensure that all valves in the clean ballast tanks are closed.

V In the unloading port

1. Allocate pumping and piping intended for clean ballast operation.
2. Perform normal unloading operations.
3. As soon as draught conditions permit, complete ballasting as required to departure condition.
4. Ensure that all valves to the clean ballast tanks are closed.
5. Complete unloading.

VI. After departure from the unloading port

1. Flush pumping and piping serving the clean ballast tanks into the slop tank.

2. Top up clean ballast tanks as required.

3. Process the slop tank content in accordance with LOT procedures.

DIVISION III - CRUDE OIL WASHING

13. The following is reprinted from the ANNEX TO RESOLUTION 15 OF THE INTERNATIONAL CONFERENCE ON TANKER SAFETY AND POLLUTION PREVENTION, 1978:

13. The following is the Coast Guard interpretation and proposed implementation of Resolution 15:

SPECIFICATION FOR THE DESIGN, OPERATION AND CONTROL OF CRUDE OIL WASHING SYSTEMS

Subpart D - Crude Oil Washing

---

1. PURPOSE

The purpose of these Specifications is to provide specific design criteria, operational requirements and control and enforcement procedures for the crude oil washing of cargo tanks of crude oil carriers as specified in Section 2.

[Paragraph 1 of the Annex is a statement of purpose and would not be included in this proposed subpart.]

---

2. APPLICATION

2.1 These Specifications apply to:

(a) existing crude oil tankers of 40,000 tons deadweight and above in accordance with Regulation 13(8) of the Protocol 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973 (MARPOL Protocol); and

(b) new crude oil tankers of 20,000 tons deadweight and above in accordance with Regulation 13(6) of the MARPOL Protocol, with the changes listed in Appendix I.

[Applicability statements are proposed in §§157.10 and 157.10a.]

Compliance of these ships with these Specifications shall be shown on the International Oil Pollution Prevention Certificate as modified by the MARPOL Protocol.

[The Coast Guard does not plan to issue an International Oil Pollution Prevention Certificate until after the MARPOL Protocol comes into effect. In the interim the Coast Guard will issue two letters instead of the

Certificate, one letter being issued upon acceptance of the plans for the Crude Oil Washing (COW) system, and the second being issued after the vessel passes the inspection under Annex paragraph 4.2.10. Operating requirements would be included to read as follows:

(a) On and after June 1, 1981, the master of a U.S. tank vessel under §157.10 or §157.10a(a)(2) shall ensure that the vessel does not engage in a voyage unless the vessel has on board –

(1) the letter from the Commandant under [paragraph (d) opposite Annex paragraph 4.2.9];

(2) the letter from the Commandant under [paragraph (c) opposite Annex paragraph 4.2.10]; and

(3) the Coast Guard approved manual under [paragraph (d) opposite Annex paragraph 7].

(b) On and after June 1, 1981, no foreign tank vessel under §157.10 or §157.10a(a)(2) may enter the navigable waters of the U.S. or call at a port or place subject to the jurisdiction of the U.S. unless the vessel has on board a manual entitled Crude Oil Washing Operation and Equipment Manual approved by the Coast Guard or the government of the vessel's flag state and –

(1) a document from the government of the vessel's flag state that certifies the vessel's compliance with Resolution 15 of the Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973, done at London on February 17, 1978; or

(2) two letters issued by the Commandant as follows:

(i) The letter under [paragraph (d) opposite Annex paragraph 4.2.9].

(ii) The letter under [paragraph (c) opposite Annex paragraph 4.2.10].

(c) The Commandant may waive the requirements of paragraph (a)(2) and (b)(2)(ii) of this section for the purpose of complying with [paragraphs (a) and (b) opposite Annex paragraph 4.2.10].

2.2 If a crude oil that is not suitable for crude oil washing is intended to be carried as a cargo in a ship that is provided with only a crude oil washing system, then that ship must comply with segregated ballast tank requirements in accordance with Regulation 13(7) or dedicated

[Annex Paragraph 2.2 would be adopted by adding the following paragraph:

(a) The master of a tank vessel under §157.10a(a)(2) shall ensure the following:

clean ballast tank requirements in accordance with Regulation 13(9) of Annex I of the MARPOL Protocol.

(1) If the vessel carries crude oil that cannot be used for COW, the vessel meets §157.10a(a)(1) or §157.10a(b).

(2) If the vessel has a COW system and does not have segregated ballast tanks or dedicated clean ballast tanks that meet §157.10a(d), the vessel carries only the grades of crude oil that can be used for COW.]

---

3. GENERAL PROVISIONS

3.1 Definition

For the purpose of these Specifications,

"Arrival ballast" means clean ballast as defined in Regulation 1(16) of Annex I of the MARPOL Protocol; and

"Departure ballast" means ballast other than arrival ballast.

[The definitions in Annex Section 3.1 are unnecessary. The following definition would be added to §157.03:

"Ballast voyage" means the voyage after the tank vessel leaves the port of final cargo discharge.]

3.2 Check Lists

The initial survey referred to in Regulation 4 of Annex I of the MARPOL Protocol shall include a complete inspection of the crude oil washing equipment and arrangements and shall include, except for the cases specified in paragraph 4.2.11 an examination of the tanks after they have been crude oil washed and the additional controls as specified in paragraph 4.2.10 to ensure the washing system efficiency is in accordance with these Specifications.

[U.S. tank vessels would be inspected in accordance with 46 CFR Part 31. Foreign tank vessels would be boarded as they enter U.S. ports or waters to determine if they comply with this subpart. A document would be issued by the Coast Guard to evidence compliance.]

---

4. DESIGN CRITERIA

4.1 Piping

4.1.1 The crude oil washing pipes and all valves incorporated in the supply piping system shall be of steel or other equivalent material and

(a) The piping, valves, and fittings of each COW system and each stripping system must -

shall be of adequate strength having regard to the pressure to which they may be subjected; and shall be properly jointed and supported.	(1) meet 46 CFR Part 56; and (2) be of steel or an equivalent metal.
4.1.2 The crude oil washing system shall consist of permanent pipework and shall be independent of the fire mains or any system other than for tank washing except that sections of the ship's cargo system may be incorporated into the crude oil washing system provided that they meet the requirements as applied to crude oil pipework. Notwithstanding the requirements of this paragraph, in combination carriers the arrangements should allow removal of the equipment, if necessary, when carrying non-liquid cargoes and be such that when reinstated the system is as originally fitted and tested for oil tightness.	(b) The piping of each COW system must be permanently installed. [The requirements in Annex paragraph 4.1.2 concerning reinstallation and testing of removed COW piping on combination carriers are operating requirements and would be added as an operating requirement in this proposed subpart to read as follows: If the equipment for the COW system is removed from the tank for the carriage of cargoes other than oil and then reinstalled, the master shall ensure that, before COW operations are conducted, the system has no crude oil leakage.] (c) The COW piping system must be separate from other piping systems on the vessel, except that a section of the vessel's cargo piping system may be a part of the COW piping if that piping meets this subpart.
4.1.3 Provision shall be made to prevent overpressure in the tank washing supply piping. Any relief device fitted to prevent overpressure shall discharge into the suction side of the supply pump. Alternative methods to the satisfaction of the Administrations may be accepted provided an equivalent degree of safety and environmental protection is provided.	(d) Each COW piping system must have overpressure relief valves unless the maximum allowable working pressure of the system is greater than the shut-off head of each pump under [paragraph (a) opposite Annex paragraph 4.3]. (e) Each overpressure relief valve must discharge into the suction side of a pump under [paragraph (a) opposite Annex paragraph 4.3]
4.1.4 Where hydrant valves are fitted for water washing purposes on tank washing lines, all such valves shall be of adequate strength and provisions made for such connections to be blanked off when washing lines may contain crude oil.	(f) Each hydrant valve in a COW piping system for water washing must - (1) have adequate strength, in accordance with 46 CFR Part 56, for the working pressure for which the system is designed; and (2) be capable of being blanked off.
4.1.5 All connexions for pressure gauges or other instrumentation shall be provided with isolating valves adjacent to the lines or the fitting shall be of the sealed type.	(g) Each sensing instrument must have an isolating valve at its connection to the COW piping system, unless the opening to that connection

is equivalent to the diameter of a number 54 drill size (0.055 inches) or smaller.

4.1.6 No part of the crude oil washing system shall enter the machinery spaces. Where the tank washing system is fitted with a steam heater for use when water washing, the heater must be effectively isolated during crude oil washing by double shut-off valves or by clearly identificable blanks.

(h) The piping and equipment of a COW system may not be in machinery spaces.

(i) If the washing system for cargo tanks has a steam heater for use when water washing, this heater must be capable of being isolated from the COW piping by -

(1) at least two shut-off valves; or

(2) blank flanges identifiable as being closed (e.g., spectacle flanges).

[The following would be included in this proposed subpart as an operating requirement:

The Master shall ensure that during COW operations -

(a) the valves under [paragraph (i)(1) opposite Annex paragraph 4.1.6] are shut off; or

(b) the blanks under [paragraph (i)(2) opposite Annex paragraph 4.1.6]are installed.].

4.1.7 Where a combined oil-water supply piping is provided the piping shall be so designed that it can be drained so far as is practicable of crude oil, before water washing is commenced, into spaces designated in the Operations and Equipment Manual. These spaces may be the slop tank or other cargo space.

(j) If the oil washing system is combined with the water washing system, the piping of the combined system must be designed to drain the crude oil into a slop tank or a cargo tank.

[The following paragraph would be added to this proposed subpart as an operating requirement:

Before water washing the cargo tanks, the master shall ensure that the COW piping system is drained of crude oil.]

4.1.8 The piping system shall be of such a diameter that the greatest number of tank cleaning machines required, as specified in the Operations and Equipment Manual, can be operated simultaneously at the designed pressure and throughput. The arrangement of the piping shall be such that the required number of tank cleaning machines to each cargo compartment as specified in the Operations and Equipment Manual referred to in these Specifications can be operated simultaneously.	(k) The COW piping system must be designed and arranged for sufficient pressure and flow to allow the number of COW machines needed to pass the inspections under [paragraphs (a) and (b) opposite Annex paragraph 4.2.10] to operate simultaneously.
4.1.9 The piping system shall be tested to one and one-half times the working pressure after it has been installed on the ship.	[The following requirement would be added after paragraph (h) opposite Annex paragraph 4.2.11: (i) Before the inspection under paragraph (a) of this section is conducted, the owner of a tank vessel having a COW system shall present to the Coast Guard inspector evidence that the COW piping system has passed a test of 1 1/2 times the design working pressure.]
4.1.10 The crude oil washing supply piping shall be anchored (firmly attached) to the ship's structure at appropriate locations, and means shall be provided to permit freedom of movement elsewhere to accommodate thermal expansion and flexing of the ship. The anchoring shall be such that any hydraulic shock can be absorbed without undue movement of the supply piping. The anchors should normally be situated at the ends furthest from the entry of the crude oil supply to the supply piping. If tank washing machines are necessary to anchor the ends of branch pipes then special arrangements are necessary to anchor these sections when the machines are removed for any reason.	(l) The COW system piping must be anchored to the tank vessel's structure with pipe anchors. (m) When COW machines are used as anchors, there must be other means for anchoring the piping if these machines are removed. (n) There must be a means to allow movement of the COW system piping as a result of thermal expansion and flexing of the tank vessel.
4.2 Tank washing machines	
4.2.1 The tank washing machines for crude oil washing shall be permanently mounted and shall be of a design acceptable to the Administration.	(a) COW machines must be permanently attached to the insides of each cargo tank.

4.2.2 The performance characteristic of a tank washing machine is governed by nozzle diameter, working pressure and the movement pattern and timing. Each tank cleaning machine fitted shall have a characteristic such that the sections of the cargo tank covered by that machine will be effectively cleaned within the time specified in the Operations and Equipment Manual.	(b) Each COW machine must have nozzles with a large enough diameter, a working pressure, and a movement pattern and timing to allow the tank vessel to pass the inspections under [paragraphs (a) and (b) opposite Annex paragraph 4.2.10].
4.2.3 Tank washing machines shall be mounted in each cargo tank and the method of support shall be to the satisfaction of the Administration. Where the tank washing machines are positioned well below the deck level to cater for protuberances in the tank consideration may need to be given to additional support for the machine and its supply piping.	(c) Each COW machine and its supply piping must be supported to withstand vibration and pressure surges.
4.2.4 Each machine shall be capable of being isolated by means of stop valves in the supply line. If a deck mounted tank washing machine is removed for any reason provision shall be made to blank off the oil supply line to the machine for the period the machine is removed. Similarly provision shall be made to close the tank opening with a plate or equivalent means.	(d) The supply piping attached to each COW machine must have a shut-off valve. [The second sentence of Annex paragraph 4.2.4 would become an operating requirement to read as follows: Whenever a deck mounted COW machine is removed from the tank, the master shall ensure that - (1) the supply piping to that machine is blanked off; and (2) the tank opening is sealed by a fixed steel plate.]
4.2.5 Where the drive units for the tank cleaning machines are not integral with the tank cleaning machine sufficient drive units shall be provided to ensure that no drive unit need be moved more than twice from its original position during cargo discharge to accomplish the washing programs as specified in the Operations and Equipment Manual.	(e) If the drive units for the COW machines are portable, there must be a sufficient number of drive units so that no unit is moved more than twice from its original location when COW the cargo tanks under [paragraph (a)(2) and (3) opposite Annex paragraph 6.1]. [The following operating requirement would be added to read as follows: The master shall ensure that no portable drive unit for the COW machines is moved more than twice from its original location when COW the cargo tanks under [paragraph (a)(2) and (3) opposite Annex paragraph 6.1.]

4.2.6 The number and location of the tank washing machines shall be to the satisfaction of the Administration.	(f) Each cargo tank must have a sufficient number of COW machines that are located to wash the entire surface area of the tank by direct impingment to allow the tank vessel to pass the inspections under [paragraphs (a) and (b) opposite Annex paragraph 4.2.10], except the following may be washed by jet deflection or splashing:
4.2.7 The location of the machines is dependent upon the characteristics detailed in paragraph 4.2.2 and upon the configuration of the internal structure of the tank.	
4.2.8 The number and location of the machines shall be such that all horizontal and vertical areas are washed by direct impingement or effectively by deflection or splashing of the impinging jet. In assessing an acceptable degree of jet deflection and splashing, particular attention shall be paid to the washing of upward facing horizontal areas and the following parameters shall be used.	
(i) For horizontal areas of a tank bottom and the upper surfaces of a tank's stringers and other large primary structural members, the total area shielded from direct impingement by deck or bottom transverses, main girders, stringers or similar large primary structural members shall not exceed 10 per cent of the total horizontal area of tank bottom, the upper surface of stringers, and other large primary structural members.	(1) 10 percent or less of the total horizontal area of the tank bottom and the upper surfaces of structural members.
(ii) For vertical areas of the sides of a tank, the total area of the tank's sides shielded from direct impengement by deck or bottom transverses, main girders, stringers or similar large primary structural members shall not exceed 15 percent of the total area of the tank's sides.	(2) 15 percent or less of the total vertical area of the tank sides.
In some installations it may be necessary to consider the fitting of more than one type of tank washing machine in order to effect adequate coverage.	Note. The designer should consider whether or not one or more types of COW machine should be used to allow the tank vessel to pass the inspections under [paragraphs (a) and (b) opposite Annex paragraph 4.2.10].

4.2.9 At the design stage the following minimum procedures shall be used to determine the area of the tank surface covered by direct impingement:

(i) Using suitable structural plans, lines are set out from the tips of each machine to those parts of the tank within the range of the jets.

(ii) Where the configuration of the tanks is considered by the Administration to be complicated, a pinpoint of light simulating the tip of the tank washing machine in a scale model of the tank, shall be used.

(a) The owner, builder, or designer of a U.S. tank vessel under §157.10 or §157.10a(a)(2) must submit to the Commandant (G-MMT), U.S. Coast Guard, Washington, D.C. 20590, plans that include -

(1) the arrangement of the COW pumping and piping system;

(2) the design of each COW machine;

(3) the arrangement, location, and installation of the COW machines; and

(4) except as allowed in paragraph (c) of this section, the projected direct impingement pattern of the crude oil from the COW machines nozzles to the surfaces of each tank, showing those areas of the surfaces that are not reached by direct impingement.

(b) If the owner of a foreign tank vessel under §157.10 or §157.10a(a)(2) desires the letter from the Commandant under [paragraph (b)(2) opposite Annex paragraph 2.1] accepting the plans under this paragraph, the owner, builder, or designer must submit to the Commandant (G-MMT), U.S. Coast Guard, Washington, D.C., 20590 plans that include -

(1) the arrangement of the COW pumping and piping system;

(2) the design of each COW machine;

(3) the arrangement, location, and installation of the COW machines; and

(4) except as allowed in paragraph (c) of this section, the projected direct impingement pattern of the crude oil from the COW machines nozzles to the surfaces of each tank, showing those areas of the surfaces that are not reached by direct impingement.

(c) If the pattern under paragraph (a)(4) or (b)(4) of this section cannot be shown on a plan, a scale model of each tank must be built for Coast Guard inspection to simulate, by a pinpoint of light, the projected direct impingement pattern on the surfaces of the tank.

	(d) The Commandant informs the owner by letter that the plans submitted under paragraph (a) or (b) of this section are accepted if - (1) the plans submitted under paragraph (a) or (b) of this section show that the COW system meets this subpart; (2) the plans submitted under paragraphs (a)(1), (2) and (3) and the scale model under paragraph (c) of this section show that the COW system meets this subpart; or (3) the plans submitted under paragraphs(b)(1), (2) and (3) and the scale model under paragraph (c) of this section show that the COW system meets this subpart.
4.2.10 (i) To confirm the cleanliness of the tanks and to verify the design in respect of the number and location of the tank washing machines, a visual inspection shall be made by entry to the tanks after a crude oil wash but prior to any water rinse which may be specified in the Operations and Equipment Manual. The bottom of the tank to be inspected may, however, be flushed with water and stripped in order to remove any heel of crude oil before gas freeing for entry. This inspection shall ensure that the tank is essentially free of oil clingage and deposits. If the flushing procedure is adopted, a similar but unflushed tank must be used for the test specified in sub-paragraph (ii) below.	(a) Before issuing a letter that states that the vessel complies with this subpart, the Coast Guard makes an initial inspection of each U.S. tank vessel under §157.10 and §157.10a(a)(2) and each foreign tank vessel whose owner submitted the plans under [paragraph (b) opposite Annex paragraph 4.2.9] to determine whether or not the cargo tanks that carry crude oil when entering the port that are to be used as ballast tanks when leaving the port meet the following: (1) After each tank is crude oil washed but not water rinsed, except the bottom of the tank may be flushed with water and stripped, each tank does not have oil clingage or deposits of oil, or both.
(ii) To verify the effectiveness of the stripping and drainage arrangements a measurement shall be made of the amount of oil floating on top of the departure ballast. The ratio, volume of oil on top of the total departure ballast water upon volume of tanks that contain this water shall not exceed 0.00085. This test shall be carried out after crude oil washing and stripping in a tank similar in all relevant respects to the tank examined in accordance with sub-paragraph (i), which has not been subjected to a water rinse nor to the intervening water flushing permissible in sub-paragraph (i) above.	(2) After each tank is crude oil washed and stripped but not water rinsed, each tank is filled with water. The total volume of crude oil floating on top of the water in these tanks is not more than 0.085 percent of the total volume of these tanks.

(iii) The arrival ballast after a typical ballast voyage before which the arrival ballast tanks have been crude oil washed and during which the tanks have been water rinsed in accordance with the programs set out in the Operations and Equipment Manual shall be totally discharged to the loading port harbour through an oil discharge monitoring and control system approved by the Administration, and the oil content of the effluent shall not exceed 15 ppm.

(b) Except on a tank vessel under §157.10, if the initial inspection under paragraph (a) of this section has been passed and the vessel arrives at the first cargo loading port after completing a ballast voyage, the Coast Guard monitors through the oil discharge monitoring and control system under §157.11 (proposed on page 32685 of the June 27, 1977 Federal Register) the discharge of effluent from those tanks that have been crude oil washed, water rinsed, stripped and filled with ballast water to determine whether or not the oil content of the effluent is 15 ppm or less.

(c) If the inspections of paragraphs (a) and (b) of this section are passed, the Coast Guard issues to the tank vessel a letter that states that the vessel complies with this subpart.

4.2.11 Where an Administration is satisfied that ships are similar in all relevant respects the requirements of paragraph 4.2.10 need only be applied to one such ship. Furthermore where a ship has a series of tanks that are similar in all relevant respects then, for that series of tanks, the requirements of sub-paragraph 4.2.10(i) need only be applied to one tank of that series.

(d) If more than one tank vessel is constructed from the same plans, an owner may submit a written request to the Commandant (G-MMT), U.S. Coast Guard, Washington, D.C., 20590, for only one of those tank vessels to be inspected under [paragraphs (a) and (b) opposite Annex paragraph 4.2.10].

(e) Only one tank vessel is inspected by the Coast Guard, if the Commandant accepts the request under paragraph (d) of this section.

(f) If a tank vessel has tanks similar in dimensions and internal structure, the owner may submit a written request to the Commandant (G-MMT), U.S. Coast Guard, Washington, D.C. 20590, for only one of those tanks be inspected under [paragraph (a)(1) opposite Annex paragraph 4.2.10].

(g) Only one tank of a group of tanks similar in dimensions and internal structure is inspected by the Coast Guard, if the Commandant accepts the request under paragraph (f) of this section.

(h) Before the inspection under paragraph (a) of this section is conducted, the owner of a foreign tank vessel having a COW system shall present to the Coast Guard inspector evidence that the COW system has been installed in accordance with the plans accepted under [paragraph (d) opposite Annex paragraph 4.2.9].

4.2.12 The design of the deck mounted tank washing machines shall be such that means are provided external to the cargo tank which when crude oil washing would indicate the rotation and arc of the movement of the machine.	(g) Each COW machine that is attached to the deck must have an indicator located outside of the cargo tank that shows the rotation and arc of the movement of the COW machine during COW operations.
4.2.13. Where submerged machines are required they should be non-programmed and in order to comply with the requirements of paragraph 4.2.8 it must be possible to verify their rotation either by indicators external to the tank or by checking their characteristic sound pattern. Where verification by sound pattern is the only method of checking the operation of bottom machines, then the operation of those machines shall be verified towards the end of each wash cycle. The method of verification by sound pattern shall be provided in the Operations and Equipment Manual.	(h) Each COW machine attached at or close to the bottom of each tank must not be programmable. [The following would be added to the operating requirements: (a) Near the completion of each crude oil wash cycle, the master shall ensure that rotation of each COW machine without an external indicator is verified by audio inspection. (b) The master shall ensure that during the inspection under paragraph (a) of this section, no other COW machine is operating in the same tank.]
4.3 Pumps	
4.3.1 The pumps supplying crude oil to the tank cleaning machines shall be either the cargo pumps or pumps specifically provided for the purpose.	(a) Crude oil must be supplied to the COW machines by COW system pumps or cargo pumps.
4.3.2 The capacity of the pumps shall be sufficient to provide the necessary throughput at the required pressure for the maximum number of tank cleaning machines required to be operated simultaneously as specified in the Operations and Equipment Manual. In addition to the above requirement the pumps shall, if an eductor system is fitted for tank stripping, be capable of supplying the eductor driving fluid sufficient to meet the requirements of paragraph 4.4.2.	(b) The pumps under paragraph (a) of this section must be designed and arranged with sufficient capacity to meet the following: (1) A sufficient pressure and flow to allow the number of COW machines needed to meet [paragraphs (a) and (b) opposite Annex paragraph 4.2.10] to operate simultaneously. (2) If an eductor is used for tank stripping, enough driving fluid is provided by the pumps to the eductor to allow the tank vessel to pass the inspection under [paragraph (a)(2) opposite Annex paragraph 4.2.10].
4.3.3 The capacity of the pumps shall be such that the requirements of paragraphs 4.3.2 can be met with one pump inoperative. The pumping and piping arrangements shall be such that the crude oil washing system can be effectively operated with one pump out of use.	(c) The COW system must have two or more pumps supplying oil to the COW machines. (d) The COW system must be designed to meet the requirements of this subpart with any one pump not operating.

4.3.4 The carriage of more than one grade of cargo shall not prevent crude oil washing of tanks.	(a) If a tank vessel carries more than one grade of crude oil, the COW system must be designed to allow COW with the grades of crude oil that the vessel carries.
4.3.5 To permit crude oil washing to be effectively carried out where the back pressure presented by the shore terminal is below the pressure required for crude oil washing, provision shall be made such that an adequate pressure to the washing machines can be maintained in accordance with paragraph 4.3.2 This requirement shall be met with any one cargo pump out of action. The minimum supply pressure required for crude oil washing shall be listed in the Operations and Equipment Manual. Should this minimum supply pressure not be obtainable crude oil washing operations shall not be carried out.	(e) There must be means on the tank vessel to maintain the pressure under [paragraph (b) opposite Annex paragraph 4.3.2] when shore terminal back pressure is less than the pressure under [paragraph (b) opposite Annex paragraph 4.3.2]. (f) The COW system must be designed to meet the requirements of paragraph (e) with any one pump not operating. [The requirement to prohibit COW if the minimum supply pressure is not obtained is opposite Annex paragraph 7.3.]
4.4 Stripping System	
4.4.1 The design of the system for stripping crude oil from the bottom of every cargo tank shall be to the satisfaction of the Administration.	(a) Each tank vessel must have a stripping system that is designed to remove crude oil from each cargo tank at a rate of 1.25 times the rate at which all the COW machines operating simultaneously are spraying crude oil into the tank.
4.4.2 The design and capacity of the tank stripping system shall be such that the bottom of the tank being cleaned is kept free of accumulations of oil and sediment towards completion of the tank washing process.	(b) The COW stripping system must be designed to clean the bottom of the tank to allow the tank vessel to pass the inspection under [paragraph (a)(2) opposite Annex paragraph 4.2.10].
4.4.3 The stripping system shall be capable of removing oil at a rate of 1.25 times the total throughput of all the tank cleaning machines to be operated simultaneously when washing the bottom of the cargo tank(s) as described in the ship's Operations and Equipment Manual.	
4.4.4 Means such as level gauges, hand dipping, and stripping system performance gauges as referred to in paragraph 4.4.8 shall be provided for checking that the bottoms or cargo tanks are dry after the crude oil washing. Suitable arrangements for hand dipping must be provided at the	(c) Each cargo tank must be designed for sounding the dryness of the tank by hand dipping at the aftermost portion of the tank and three other locations.

aftermost portion of a cargo tank and in three other suitable locations. For the purpose of this paragraph "dry" means a small quantity of oil near the stripping suction with the tank dry everywhere else.	[In addition to the above, an operating requirement would be included to read as follows: The master shall ensure that, after each stripping operation is completed, each tank - (1) is examined by hand dipping at the four locations under [paragraph (e) opposite Annex paragraph 4.4.4]; and (2) contains no oil except a minimal quantity near the stripping suction.]
4.4.5 Means shall be provided to drain all cargo pumps and lines at the completion of cargo discharge, where necessary, by connexion to a stripping device. The line and pump drainings shall be capable of being discharged both to a cargo tank and ashore. For discharge ashore a special small diameter line shall be provided for that purpose and connected outboard of the ship's manifold valves.	[The requirements of Annex paragraph 4.4.5 are in proposed §157.11(d) and (e).]
4.4.6 The means for stripping oil from the cargo tanks shall be by positive displacement pump, self-priming contrifugal pump or eductor or other methods to the satisfaction of the Administration. Where a stripping line is connected to a number of tanks means shall be provided for isolating each tank not being stripped at that particular time.	(d) Each stripping system must have at least one of the following suction devices: (1) A positive displacement pump. (2) A self-priming centrifugal pump. (3) An eductor. (e) There must be a means in the stripping system piping between the suction device and each cargo tank to isolate each tank from the device.
4.4.7 The carriage of more than one grade of cargo shall not prevent crude oil washing of tanks.	[Annex paragraph 4.4.7 is proposed opposite Annex paragraph 4.3.4.]
4.4.8 Equipment shall be provided for monitoring the efficiency of the stripping system. All such equipment shall have remote read out facilities in the cargo control room or in some other safe and convenient place	(f) If the stripping system has a positive displacement pump or a self-priming centrifugal pump, the stripping system must have the following

easily accessible to the officer in charge of cargo and operations. Where a stripping pump is provided the monitoring equipment shall include either a flow indicator, or a stroke counter or revolution counter as appropriate, and pressure gauges at the inlet and discharge connexions of the pump or equivalent. Where eductors are provided the monitoring equipment shall include pressure gauges at the driving fluid intake and at the discharge and a pressure/vacuum gauge at the suction intake.	(f) In the stripping system piping - (i) a pressure gauge at the inlet connection to the pump; and (ii) a pressure gauge at the discharge connection to the pump. (2) At least one of the following monitoring devices: (i) Flow indicator. (ii) Stroke counter. (iii) Revolution counter. (g) If the stripping system has an eductor, the stripping system must have - (1) a pressure gauge at each driving fluid intake and at each discharge; and (2) a pressure/vacuum gauge at each suction intake. (h) The equipment required under paragraphs (f) and (g) of this section must have read-out devices in the cargo control room or other locations that are accepted by the Commandant.
4.4.9 The internal structure of the tank shall be such that drainage of oil to the tank suctions of the stripping system is satisfactory to meet the requirements of paragraphs 4.4.2 and 4.4.4. Care shall be taken that both longitudinal and transverse drainage is satisfactory and shall be verified during the inspection required by paragraphs 3.2 and 4.2.10.	(a) Each cargo tank must be designed for longitudinal and transverse drainage of crude oil to allow the tank vessel to pass the inspections under [paragraphs (a) and (b) opposite Annex paragraph 4.2.10].
4.4.10 The trim conditions for crude oil washing given in the Operations and Equipment Manual shall be adhered to. In general trim by the stern is only important during the final stages of tank discharge and shall be the maximum possible compatible with operational constraints, but in no case less than that recorded during the crude oil washing prior to the inspection required by paragraphs 3.2 and 4.2.10.	[An operating requirement would be added to read as follows: The master shall ensure that during stripping operations the trim conditions as specified in the Crude Oil Washing Operation and Equipment Manual under [paragraph 11 opposite Annex paragraph 7.4(iii)] are met or exceeded.]
4.4.11 The stripping lines and associated fittings shall be in accordance with the requirements of paragraph 4.1.1.	[Annex paragraph 4.4.11 is proposed opposite Annex paragraph 4.1.1.]

4.5 Ballast lines

4.5.1 Where a separate ballast water system for ballasting cargo tanks is not provided the arrangement shall be such that the cargo pump, manifolds and pipes used for ballasting can be safely and effectively drained of oil before ballasting.

[The following paragraph would be included as an operating requirement in this proposed subpart to read as follows:

Before ballasting cargo tanks, the master shall ensure that -

(1) each cargo pump, manifold, and piping that is used for ballasting cargo tanks is drained of all crude oil; and

(2) the cargo piping that is used for ballasting cargo tanks is water washed.]

5. QUALIFICATION OF PERSONNEL

5.1 The training requirements of ships' personnel engaged in the crude oil washing of tankers shall be to the satisfaction of the Administration.

[Annex paragraph 5.1 is proposed in paragraph (a)(3)(ii) below.]

5.2 When a person such as the Master, the Chief Officer or the Cargo Control Officer assumes overall charge of a crude oil wash he shall:

(i) have at least one year's experience on oil tankers where his duties have included the discharge of cargo and associated crude washing. Where his duties have not included crude oil washing operations he shall have completed a training programme in crude oil washing in accordance with Appendix I to those Specifications and satisfactory to the Administration.

(ii) have participated at least twice in crude oil wash programmes one of which shall be in the particular ship for which he is required to undertake the responsibility of cargo discharge. Alternatively this latter participation may be acceptable if undertaken on a ship that is similar in all relevant respects; and

(iii) be fully knowledgable of the contents of the Operations and Equipment Manual.

(a) The master of a tank vessel under §157.10 and §157.10a(a)(2) shall ensure that the person in charge of each COW operation -

(1) knows the contents in the Coast Guard approved Crude Oil Washing Operation and Equipment Manual under §157.23;

(2) on at least two occasions, has participated in COW of cargo tanks, one of those occasions occurring on -

(i) the tank vessel on which the person assumes duties as the person in charge of COW operations; or

(ii) a tank vessel that is constructed from the same plans as the tank vessel on which the person assumes duties as the person in charge of COW operations; and

(3) in addition to meeting paragraphs (a)(1) and (2) of this section, has -

(i) 365 days or more of tank vessel duty that includes -

(A) crude oil discharge operation; and

(B) COW of cargo tanks; or

(ii) completed a Coast Guard approved training program in COW cargo tanks (standards of the Coast Guard approved training program to be proposed in a future Federal Register).

5.3 Where other nominated persons are intended to have particular responsibilities as defined in the Operations and Equipment Manual they shall have at least 6 month's experience on oil tankers where in the course of their duties they should have been involved in the cargo discharge operation. In addition they should have been instructed in the crude oil washing operation in the particular ship they are required to undertake this responsibility and by fully knowledgable of the contents of the Operations and Equipment Manual. Appendix II to those specifications should be used as guidance in establishing the content of such instruction.

(a) The master of a tank vessel under §157.10 and §157.10a(a)(2) shall ensure that each member of the crew that participates in COW of cargo tanks -

(1) has 180 days or more of tank vessel duty that includes crude oil discharge operations;

(2) has been instructed in the COW operation of the vessel; and

(3) is familiar with the contents of the Coast Guard approved Crude Oil Washing Operation and Equipment Manual under §157.23.

---

6. OPERATIONS

6.1 Tankage to be Crude Oil Washed

Before departure on a ballast voyage, after the complete discharge of cargo, sufficient tanks shall have been crude oil washed, in accordance with the procedures specified in the Operations and Equipment Manual to ensure that:

(i) as a minimum, sufficient tanks have been washed to permit compliance with the draught and trim requirements of Regulation 13(2)(a), (b) and (c) of Annex I of the MARPOL Protocol during all phases of the ballast voyage; and

(ii) account is taken of the ship's trading pattern and the expected weather conditions so that additional ballast-water is not put into tanks which have not been crude oil washed.

(a) The master of a tank vessel under §157.10a(a)(2) shall ensure that -

(1) ballast water is only carried in a cargo tank that is crude oil washed during the most recent discharge of crude oil from that tank;

(2) before each ballast voyage a sufficient number of cargo tanks have been crude oil washed during the most recent discharge of crude oil from those tanks to allow ballast water to be carried in cargo tanks -

(i) with a total capacity to meet the draft and trim requirements in §157.10a(d)(1), (2), and (3); and

(ii) for the ship's trading pattern and expected weather conditions;

(3) for sludge control, at least 25 percent of the cargo tanks not used for carrying ballast water under paragraph (a)(2)(i) of this section are crude oil washed before each ballast voyage, and that each cargo tank is crude oil washed at least once in every four times crude oil is discharged from the tank, but no tank need be crude oil washed more than once during each 120 day period;

In addition to the tanks referred to in sub-paragraph (i) above, approximately one-quarter of all remaining tanks shall be crude oil washed for sludge control, but these additional tanks may include the tanks referred to in sub-paragraph (ii) above. However for sludge control purposes, no tank need be crude oil washed more than once in every four months. Crude oil washing shall not be conducted between the final discharge and loading ports, that is to say, no crude oil washing shall be undertaken during the ballast voyage. Ballast water shall not be put into tanks that have not been crude oil washed. Water that is put into a tank which has been crude oil washed but not water rinsed shall be regarded as dirty ballast.

(4) cargo tanks are not crude oil washed during a ballast voyage; and

(5) ballast water in a cargo tank that is crude oil washed but not water rinsed during the most recent discharge of crude oil from that tank is discharged in accordance with §157.37(a).

[See Appendix I "List of Changes when applying the Specifications to New Crude Oil Tankers of 20,000 tons deadweight and above."]

(a) The master of a tank vessel under §157.10 shall ensure that -

(1) ballast water is only carried in a cargo tank as allowed under §157.35;

(2) for sludge control, at least 25 percent of the cargo tanks are crude oil washed before each ballast voyage and that each cargo tank is crude oil washed at least once in every four times crude oil is discharged from the tank, but no tank need be crude oil washed more than once during each 120 day period;

(3) ballast water in a cargo tank that is crude oil washed but not water rinsed during the most recent discharge of crude oil from that tank is discharged in accordance with §157.37(a); and

(4) cargo tanks are not crude oil washed during a ballast voyage.

6.2 Drainage and Discharge Ashore of Cargo Lines

At the end of cargo discharge all cargo main and stripping lines shall be drained and stripped and the drainings and strippings passed to the shore via the special small diameter line required by paragraph 4.4.5.

(a) After each crude oil cargo discharge, the master shall ensure that each cargo main, stripping, and COW piping is drained of crude oi and the drainings are conveyed ashore through the piping under §157.11(d)(4) or §157.11(e)(3).

6.3 Filling of Departure Ballast Tanks

Care shall be taken at the completion of crude oil washing of any departure ballast tank to strip the tank as completely as possible. Where departure ballast is filled through cargo lines and pumps, these must be drained and stripped of oil as required by paragraph 4.4.5 before ballast is loaded.

[Annex paragraph 6.3 is proposed in the operating requirements opposite Annex 4.5.1 and 4.4.4].

6.4 Crude Oil Washing at Sea

All crude oil washing must be completed before the ship leaves its final port of discharge. Where any tank is crude oil washed while the ship is at sea between multiple discharge ports, the tank shall be left empty and available for inspection at the next discharge port before commencing the next ballast voyage. This inspection may consist of multiple sounding/dipping of the bottom of the tank when the tank is empty. Departure ballast tanks shall be ballasted prior to departure from port so that examination of the surface of the ballast water could be made. In the latter case the guidance given in sub-paragraph 4.2.10(ii) is relevant to the inspection.

(a) The master shall ensure that each cargo tank that is crude oil washed during a voyage other than a ballast voyage -

(1) remains empty so that the tank may be inspected upon arrival at the next discharge port; and

(2) that is to be used for ballasting, is ballasted before the vessel departs from that discharge port so that the tank may be inspected to determine compliance with [paragraph (a)(2) opposite Annex paragraph 4.2.10].

6.5 Discharge of Oily Water Effluents on Ballast Voyage

The discharge of departure ballast and any other water effluent discharged during the ballast voyage shall comply with the requirements of Regulation 9 of Annex I of the MARPOL Protocol.

[The requirement of Annex paragraph 6.5 is included in §157.37.]

6.6 Use and Control of Inert Gas

On ships to which these Specifications apply, no tank shall be crude oil washed unless the inert gas system required by Regulation 13B(3) of Annex I of the MARPOL Protocol is in proper operation. Before

(a) The master shall ensure the following:

(1) Before a cargo tank is crude oil washed, the oxygen content in the tank is measured to determine whether or not it is 8 percent or less by

each tank is crude oil washed, the oxygen level shall be determined at a point 1 metre from the deck and at the middle region of the ullage space and neither of these determinations shall exceed 8 per cent by volume. Where tanks have complete or partial wash bulkheads, the determinations should be taken from similar levels in each section of the tank. The oxygen level of the inert gas being delivered during the washing process shall be continuously monitored. If during crude oil washing:

(i) the oxygen level of the inert gas being delivered exceeds 8 per cent by volume; or

(ii) the pressure of the atmosphere at the tanks is no longer positive, then the washing must be stopped until satisfactory conditions are restored.

volume at locations in the tank -

(i) one meter from the deck

(ii) in the center of the ullage space.

(2) For tanks with partial bulkheads, paragraph (a)(1) of this section applies to each section formed by the partial bulkhead.

(3) No cargo tank is crude oil washed unless the oxygen content is 8 percent or less by volume at the locations under paragraph (a)(1) of this section.

(4) No cargo tank is crude oil washed unless the inert gas system under 46 CFR Subpart 32.53 -

(i) is supplying the cargo tank with a gas or a mixture of gases that has an oxygen content of 8 percent or less by volume; and

(ii) maintains a positive atmospheric pressure in the cargo tank.

(5) During COW operations, a crew member monitors the instrumentation under 46 CFR 32.53-60(a)(1) for the oxygen content of the gas or mixture of gases being delivered to the cargo tank.

(b) If the inert gas system does not meet paragraph (a)(4) of this section, the master shall terminate COW of the cargo tank and not resume COW until the requirements of paragraph (a) of this section are met.

6.7 Precautions against Electrostatic Generation

To avoid excessive electrostatic generation in the washing process due to the presence of water in the crude oil washing fluid, any tank to be used as a source of crude oil washing fluid must first be discharged by at least 1 meter before being so used. Any tank used as a slop tank on the previous ballast voyage shall be completely discharged and refilled with dry crude if that tank is to be used as a source of washing fluid.

(a) Before COW any cargo tank, the master shall ensure that the level in each cargo tank with crude oil that is used as a source for COW is lowered at least one meter.

(b) The master shall ensure that a tank last used as a slop tank is not used as a source for COW until -

(1) its contents are discharged ashore or to another tank; and

(2) the tank contains only crude oil.

6.8 Vapour Emission

On ships to which these Specifications apply there shall be means to avoid vapor emission during the filling of departure ballast wherever local conditions require it. The method of preventing the emission of hydrocarbon vapour into the atmosphere shall be:

(a) by the use of permanent ballast tanks wherever these are sufficient to provide the minimum departure draught; or

(b) by the containment in empty cargo tanks by the simultaneous ballasting and cargo discharge.

Alternative methods to the satisfaction of the Administrations may be accepted provided an equivalent degree of environmental protection is provided.

(a) In order to meet the National primary and secondary ambient air quality standards under 40 CFR Part 50, issued under the Clean Air Act, as amended (42 U.S.C. 1857), the master of a tank vessel under §157.10a(a)(2) without sufficient segregated ballast tanks or dedicated clean ballast tanks to allow the vessel to depart from each U.S. port without ballasting cargo tanks may not ballast cargo tanks unless the hydrocarbon vapor in those tanks are discharged by the means under [design requirement opposite Annex paragraph 6.8] to a cargo tank that is discharging crude oil.

[A design requirement would be added to read as follows:

(a) Each tank vessel under §157.10a(a)(2) without sufficient segregated ballast tanks or dedicated clean ballast tanks to allow the vessel to depart from each U.S. port without ballasting cargo tanks must have a means to discharge hydrocarbon vapors from each cargo tank that is to be ballasted to a cargo tank that is discharging crude oil.]

7. OPERATIONS AND EQUIPMENT MANUAL

The Operations and Equipment Manual must be to the satisfaction of the Administration and shall contain the following information and operational instructions:

[Paragraphs (d) and (e) would be added to §157.23 to read as follows:

§157.23 Cargo and ballast system information.

* * * * *

(d) Each tank vessel under §157.10 and §157.10a(a)(2) must have a manual entitled Crude Oil Washing Operation and Equipment Manual approved

	by the Coast Guard or the government of the vessel's flag state that includes the information under [paragraph (a) opposite Annex paragraph 7.1]. (e) [Procedures for submittal and approval similar to that contained in 46 CFR Subpart 50.20 and in 43 FR 49440 would appear here.] (a) Each manual under [paragraph (d) opposite Annex paragraph 7] must include the following:
7.1 The complete text of the "Specifications for the Design, Operation and Control of Crude Oil Washing Systems."	(1) The text of the Annex of Resolution 15 of the Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973, done at London on February 17, 1978.
7.2 A line drawing of the crude oil washing system showing the respective position of pumps, lines and washing machines which relates to the crude oil washing system.	(2) A line drawing of the COW system showing the locations of pumps, piping, and COW machines.
7.3 A description of the system and a listing of procedures for checking that equipment is working properly during crude oil washing operations. This shall include a listing of the system and equipment parameters to be monitored, such as line pressure, oxygen level, machine revolutions, duration of cycles, etc. The established values for these parameters shall be included. The results of the tests carried out in accordance with paragraph 4.2.10 and the values of all parameters monitored during such tests shall also be included.	(3) A description of the COW system. (4) The procedure for the inspection of the COW system during COW operations. (5) A list of design characteristics of the COW system that includes as least the following: (i) Pressure and flow of the crude oil pumped to the COW machines. (ii) Revolutions, number of cycles, and length of cycles of each COW machine. (iii) Pressure and flow of the stripping suction device. (iv) Number and location of COW machines operating simultaneously in each cargo tank.

(6) The design oxygen content of the gas or mixture of gases that is supplied by the inert gas system to each cargo tank.

(7) The results recorded when passing the inspections under [paragraphs (a) and (b) opposite Annex paragraph 4.2.10].

(8) A list of characteristics of the COW system recorded during the COW operations when passing the inspections under [paragraphs (a) and (b) opposite Annex paragraph 4.2.10] that includes at least the following:

(i) Pressure and flow of the crude oil pumped to the COW machines.

(ii) Revolutions, number of cycles, and length of cycles of each COW machine.

(iii) Pressure and flow of the stripping suction device.

(iv) Number and location of COW machines operating simultaneously in each cargo tank.

(9) The oxygen content of the gas or mixture of gases that is supplied by the inert gas system to each cargo tank during COW operations when passing the inspections under [paragraph (a) opposite Annex paragraph 4.2.10].

(10) The volume of water used for water rinsing during COW operations when passing the inspection under [paragraph (b) opposite Annex paragraph 4.2.10].

(11) The trim conditions of the tank vessel during COW operations when passing the inspections under [paragraphs (a) and (b) opposite Annex paragraph 4.2.10].

[Operating requirements would be added to read as follows:

(a) The master shall record the following characteristics in the Coast Guard approved Crude Oil Washing Operation and Equipment Manual during COW operations when passing the inspections under paragraphs (a) and (b) opposite Annex paragraph 4.2.10]:

(1) Pressure and flow of the crude oil pumped to the COW machines.

(2) Revolutions, number of cycles, and length of cycles of each COW machine.

(3) Pressure and flow of the stripping suction device.

(4) Number and location of COW machines operating simultaneously in each cargo tank.

(5) Volume of water used for water rinsing.

(6) Trim conditions of the tank vessel.

(7) Results of the inspections under [paragraphs (a) and (b) opposite Annex paragraph 4.2.10].

(8) Oxygen content of the gas or mixture of gases that is supplied by the inert gas system to each cargo tank.

(b) The master shall ensure that during COW operations the characteristics as recorded in the Coast Guard approved Crude Oil Washing Operation and Equipment Manual under paragraph (a) of this section are met.

(c) The master shall ensure that no person operates the COW system of each tank vessel that is issued a letter under [paragraph (c) opposite Annex paragraph 4.2.10] if the characteristics are less than the recorded characteristics under [paragraphs (a)(8), (10), and (11) opposite Annex paragraph 7.3] unless -

(1) the tank vessel passes the inspections under [paragraphs (a) and (b) opposite Annex paragraph 4.2.10] with the new characteristics;

(2) the characteristics used to pass the inspections are recorded in the Coast Guard approved Crude Oil Washing Operation and Equipment Manual; and

(3) the Coast Guard issues to the tank vessel a new letter that states that the vessel complies with this subpart.]

7.4 Details of the requirements of Section 6 of these Specifications together with advice and instructions, where appropriate, in meeting these requirements such as:	(b) In addition to the information under paragraph (a) of this section, each manual under [paragraph (d) opposite Annex paragraph 7] on a vessel under §157.10a(a)(2) must include the following:
(i) Recommended methods and programmes of crude oil washing in order to accord with all forseeable circumstances of cargo discharge restraints and in obtaining maximum trim during the completion of washing and draining of each tank.	[The procedure for COW cargo tanks is included in paragraph (a) (14) opposite Annex paragraph 7.4(v).]
(ii) The procedure on ships to avoid vapour emission in accordance with paragraph 6.8.	(1) The procedure to meet [paragraph (a) opposite Annex paragraph 6.8]. (2) The procedure for water washing the cargo piping that is used for ballasting cargo tanks.
	[The following is a continuation of requirements under proposed paragraph (a) of this section.]
(iii) The method of draining tanks which shall include information on optimum trim conditions as required by paragraph 4.4.10.	(12) The procedure for stripping cargo tanks of crude oil.
(iv) The method of draining cargo pumps, cargo lines, crude oil washing lines and stripping lines, and spaces into which they may be drained, together with the final discharge ashore via the small discharge line on completion of discharge.	(13) The procedure for draining and stripping the pumps and piping of the COW system, cargo system, and stripping system after each crude oil cargo discharge.
(v) Typical washing programmes under various conditions of loading specifying:	(14) The procedure for COW cargo tanks that includes at least the following:
(1) the tanks to be washed in accordance with paragraph 6.1;	(i) The tanks to be washed to meet [paragraphs opposite Annex paragraph 6.1 (§157.10a) or 6.1 (§157.10)].
(2) the method for washing each tank, that is single or multi-stage;	

(3) the number of tank washing machines to be used simultaneously; (4) the duration of the crude oil wash and water rinse where the latter is appropriate; (5) the volume of water used for water rinse, which shall be at least equal to that used in the water rinse prior to the inspection required by paragraphs 3.2 and 4.2.10; and (6) the preferred order in which the tanks are to be washed.	(ii) The order in which those tanks are washed. (iii) The method of washing each tank (single or multi-stage). (iv) The number of COW machines that are operated simultaneously. (v) The duration of the crude oil wash and water rinse. (vi) The volume of water to be used for water rinse in each tank.
(vi) The procedure for draining and stripping, where appropriate, cargo lines and pumps before being used for the loading of departure ballast.	[Annex paragraph 7.4(vi) is included in paragraph (a)(13) of this proposed section.]
(vii) The procedure for water washing lines before discharge of departure ballast and the loading and final discharge of arrival ballast.	[Annex paragraph 7.4(vii) is included in proposed paragraph (b)(2) opposite Annex paragraph 7.4(ii)].
(viii) The procedure for verifying by sound patterns that bottom mounted machines are operating shall be carried out towards the end of the wash cycle for each tank. When carrying out such verification all other machines shall be shut down as necessary.	(15) The procedures to meet [paragraphs opposite Annex paragraph 4.2.13].
(ix) Precise details of procedure to ensure compliance with Regulation 9 of Annex I of the MARPOL Protocol in the discharge of departure ballast, the water flushing of lines and the decanting of the slop tank(s) at sea.	[Annex paragraph 7.4(ix) is included in proposed paragraph (a)(22) opposite Annex paragraph 7.9.]
7.5 The dangers of leakage from the crude oil washing system and the precautions necessary to prevent leakage and the action to be taken in the event of a leakage. Guidance shall be given on how the crude oil	(16) The procedures and equipment needed to prevent leakage of crude oil from the COW system.

washing system is to be operationally tested for leakage before each discharge.	(17) The procedures and equipment needed if leakage of crude oil from the COW system occurs. (18) The procedure for testing and inspecting the COW system for leakage of crude oil before operating the system.
7.6 The method of excluding oil from the engine room through steam heaters as required by paragraph 4.1.6.	(19) The procedures and equipment needed to prevent leakage of crude oil from the steam heater under [paragraph (i) opposite Annex paragraph 4.1.6] to the engine room.
7.7 The personnel required at all times to conduct the dual operation of discharging cargo and crude oil washing. The numbers of such personnel shall include: (i) the person meeting the requirements of paragraph 5.2 who will have overall control of the crude oil washing process; (ii) those person meeting the requirements of paragraph 5.3 who will be expected to undertake the actual operation; and (iii) at least one person on deck at all times during washing to keep watch for leaks and malfunctioning of equipment, to test the oxygen content of tanks before washing, to check tank atmosphere pressure, to sound tank bottoms if required, to lift ullage floats if necessary and to change drive units when this is necessary. The duties of such persons are not necessarily mutually exclusive.	(20) The number of crew members needed to conduct the discharge of cargo, the COW of cargo tanks, and both operations simultaneously. (21) A description of the duties of each crew member under paragraph (a)(20) of this section. [An operating requirement would be added to read as follows: During COW operations the master shall ensure that at least one crew member who meets the requirements under [paragraph (a) opposite Annex paragraph 5.3] is on the main deck at all times.
7.8 An effective means of communications between the watchkeeper on deck and the cargo control position so that in the event of a leak in or malfunctioning of the crude oil washing system the washing may be stopped as soon as possible.	[The following paragraph would be added under the equipment requirements of this subpart: Each tank vessel must have a means that enables two-way voice

	communication between the crew member on the main deck required under [operating requirement opposite Annex paragraph 7.7] and each cargo discharge control station.]
7.9 The typical procedures for ballasting.	(22) The procedures for ballasting and deballasting cargo tanks.
7.10 A pre-crude oil wash operational checklist for the use of the crew at each discharge which shall include the checking and calibration of all instruments.	(23) The step by step procedure for the inspection of the COW system before COW operations begin that includes the procedure for inspecting and calibrating each instrument.
7.11 The recommended intervals for on board inspection and maintenance of crude oil washing equipment in addition to statutory surveys. Reference should be made to technical manuals supplied by the manufacturers of the equipment.	(24) The intervals for on board inspection and maintenance of the COW equipment. Informational references to technical manuals supplied by the manufacturers may be included.
7.12 A list of crude oils unsuitable for the crude oil washing process and their origin.	(25) A list of crude oils that are not to be used in the COW operation.

APPENDIX I

LIST OF CHANGES WHEN APPLYING THE SPECIFICATIONS TO NEW CRUDE OIL TANKERS OF 20,000 TONS DEADWEIGHT AND ABOVE

[The requirements of Appendix I are included in the preceding proposal.]

Paragraph Number	List of Changes
4.2.5	This paragraph is not applicable
4.2.10	Sub-paragraph (iii) is not applicable

6.1 Replace by the following:

6.1.1 Before departure on a ballast voyage:

(i) approximately one quarter of the cargo tanks shall be crude oil washed for sludge control purposes on a rotational basis and in accordance with the procedures specified in the Operations and Equipment Manual. However, for these purposes, no tank need be crude oil washed more than once in every four months; and

(ii) if it is considered that additional ballast in a cargo tank or tanks may be required during the ballast voyages under the conditions and provisions specified in Regulation 13(3) Annex I of the MARPOL Protocol. the tank or tanks which may be used for this ballast shall be crude oil washed in accordance with the procedures specified in the Operations and Equipment Manual.

6.1.2 Ballast water shall not be put into cargo tanks that have not been crude oil washed. Water that is put into a tank which has been crude oil washed but not water rinsed shall be regarded as dirty ballast.

6.1.3 Crude oil washing shall not be conducted between the final discharge and loading ports; that is to say no crude oil washing shall be undertaken during the ballast voyage.

6.3 Replace by the following:

6.3 Filling of Additional Ballasting Cargo Tanks

Care shall be taken at the completion of crude oil washing of any cargo tank that might contain ballast to strip the tank as completely as possible. Where this ballast is filled through cargo lines and pumps, these must be drained and stripped of oil as required by paragraph 4.4.5.

6.4 The last two sentences are not applicable.

6.5 Replace by the following:

6.5 Discharge of Oily Water Effuents on Ballast Voyage

The discharge of additional ballast from cargo tanks and any other water effluent discharged during the ballast voyage shall comply with the requirements of Regulation 9 of Annex I of the MARPOL Protocol.

6.8 This paragraph is not applicable.

7.4 This paragraph is not applicable.

APPENDIX II

TRAINING FOR PERSONS INTENDED TO ASSUME OVERALL CHARGE OF CRUDE OIL WASHING

[It is proposed to include the crew training requirements of Appendix II in a document to be published in a future issue of the Federal Register.]

INTRODUCTION

Any required training shall be by supervised instruction, conducted in a shore-based facility or aboard a suitably equipped ship having training facilities and instructors for this purpose, dealing with the principles involved and the application of these principles to ship operation.

In drawing up an Administration-approved syllabus of training, the Specifications for the Design, Operation and Control of Crude Oil Washing Systems of tankers adopted by the Conference shall be taken into account.

Such training shall include but not necessarily be limited to:

(a) An introduction to the principles of Crude Oil Washing which shall include:

- the characteristics of crude oil as a washing fluid and its contrast with water washing;
- top washing;
- bottom washing;
- trim requirements;
- methods of bleeding off from the cargo discharge;
- maintenance of required washing fluid pressure;
- washing at sea between discharge ports;
- recirculatory washing;
- relative priorities and requirements for the departure ballast tanks, arrival ballast tanks and cargo only tanks;

(b) Equipment and Design

(i) Location of washing machines;

(ii) Washing machines, deck mounted and submerged:

- types;
- characteristics;
- features of construction;
- operating parameters;

(iii) Drive units;

(iv) Washing fluid supply and distribution systems;

(v) Stripping systems;

(vi) Means of sound tanks;

(vii) Inert gas requirements;

(c) Generalized Crude Oil Washing procedures

(i) Traditional pipeline ship/free flow ship/partial free flow ship;

(ii) Single/multi parcel cargoes;

(iii) Optimization of procedure to wash with minimum extra berth time;

(iv) Ballasting for departure with various ship and pipeline configurations;

(v) Procedure for washing at sea between discharge ports.

(d) Associated Procedure

(i) Means for minimizing residues on board

- Stripping of cargo tanks;
- Draining and stripping of cargo lines;
- Final discharge of cargo ashore;

(ii) Water rinsing of arrival ballast tanks;

(iii) Filling and ultimate discharge of arrival ballast;

(iv) Discharge of departure ballast;

(v) Build-up and decanting of slop tank;

(vi) Requirements of Regulation 9 of Annex I of the MARPOL Protocol;

(vii) Avoidance of venting in port during ballasting operations.

(e) Safety

(i) Inert gas procedure;

(ii) Maintenance and monitoring of inert gas quality and pressure;

(iii) Stopping of washing/discharge under abnormal inert gas conditions;

(iv) Electrostatic generation and the precautions required to avoid it;

(v) Pipework integrity;

(vi) Avoidance of surge pressures;

(vii) Spillage.

(f) Check Lists

(i) Before entering port;

(ii) Before commencing crude oil washing;

(iii) After crude oil washing;

(iv) After sailing.

(g) Regulatory Enforcement Procedure

(i) Operations and Equipment Manual;

(ii) Oil Record Book;

(iii) Sounding of tanks;

(iv) Measurement of oil on top of departure ballast.

(h) Maintenance of Plant and Equipment

(i) Maintenance of equipment in accordance with manufacturers' instructions;

(ii) Additional maintenance items.

Administrations shall ensure that the training facility issue an appropriate document to those qualified in accordance with Appendix to serve as an officer primarily responsible for crude oil washing.

(R.S. 4417a, as amended by Sec. 5, Pub. L. 95-474 (46 U.S.C. 391a); 49 CFR 1.46(n)(4))

Dated: February 5, 1979.

R. H. SCARBOROUGH,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[FR Doc. 79-4512 Filed 2-9-79; 8:45 am]

[4910-14-M]

[33 CFR Part 164]

[CGD 77-063]

TANK VESSELS OF 10,000 GROSS TONS OR MORE

Improved Steering Gear Standards

AGENCY: Coast Guard, DOT.

ACTION: Proposed rules; withdrawal of previous proposal.

SUMMARY: The Coast Guard proposes to adopt improved steering gear standards for tank vessels of 10,000 gross tons or more. These proposals are essentially the same as the steering gear standards adopted by the 1978 International Conference on Tanker Safety and Pollution Prevention. Adoption of the regulations in this proposal would reduce the probability of collision and grounding of tankers caused by steering failure and, as a result, would reduce the risk of property damage, personal injury and death, and pollution of the oceans and U.S. waters. The regulations would apply both to U.S. tank vessels and to foreign tank vessels that call at U.S. ports.

This notice of proposed rule making also withdraws a previous Coast Guard proposal to imporve steering gear standards. The previous proposal was published in the FEDERAL REGISTER of May 16, 1977.

DATES: 1. Comments on these proposed regulations must be received on or before: April 16, 1979.

2. Public hearing: The Coast Guard will hold public hearings on March 21, 1979 and March 28, 1979.

ADDRESSES: 1. Comments should be submitted to Commandant (G-CMC/81) (CGD 77-063), U.S. Coast Guard, Washington, D.C. 20590.

2. The hearings will be held at the following locations:

a. March 21, 1979, Room 2230, 400 7th Street S.W., Washington, D.C. 20590, Starting at 9:30 a.m.

b. March 28, 1979, Jack Tar Hotel, Garden Room, Van Ness at Geary, San Francisco, CA. 94101, Starting at 9:30 a.m.

3. The following are available for examination at the Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street S.W., Washington, D.C. 20590:

a. Comments received on the proposed regulations.

b. Protocol of 1978 Relating to the International Convention For the Safety of Life at Sea, 1974. (This protocol contains, among other things, the requirements for steering gear that were adopted by the International Conference on Tanker Safety and Pollution Prevention.)

c. Draft Regulatory Analysis for CGD 77-063 and related projects.

d. Coast Guard notice of proposed rule making of May 16, 1977, on improved steering standards for oil tankers.

e. Comments received on the notice of proposed rule making of May 16, 1977.

FOR FURTHER INFORMATION CONTACT:

Commander Robert G. Williams, Office of Merchant Marine Safety (G-MMT/83), Room 8221, U.S. Coast Guard, Department of Transportation, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590 (202-426-2206).

SUPPLEMENTARY INFORMATION: 1. Interested persons are invited to participate in this proposed rule making by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, identify this notice (CGD 77-063) and the specific section of the proposed regulations to which their comments apply, and give reasons for the comments. The regulations may be changed in light of comments received. All comments received before the expiration of the public comment period will be considered before final action is taken on these proposed regulations.

2. Interested persons are invited to attend the public hearings and present oral or written statements on the proposed regulations. It is requested that persons desiring to submit comments at a hearing notify the Executive Secretary of the Marine Safety Council (202-426-1477) at least 10 days before the scheduled date of the hearing and specify the approximate length of time needed for the presentation. It is urged that a written summary or copy of the oral presentation be included with the notification.

DRAFTING INFORMATION

The principal persons involved in drafting these proposed regulations are: Gordon Sims, Office of Merchant Marine Safety, and William R. Register, Office of the Chief Counsel.

BACKGROUND

1. During the winter of 1976-77, several tanker casualties occurred in or near U.S. waters. These casualties demonstrated the need for a global effort to improve the level of safety of tank vessels and to decrease their pollution potential. The President in his message to Congress of March 17, 1977, proposed a series of initiatives to be taken both nationally and internationally. These initiatives were broad in scope and included, among several things, a proposal to improve steering standards on oil tankers.

2. Based upon the Presidential initiatives, the Coast Guard published proposed rules for improving steering standards in the FEDERAL REGISTER on May 16, 1977 (42 FR 24869-71). The proposed rules contained requirements for oil tankers of 20,000 deadweight tons or more to have the following:

(a) A steering failure alarm that would activate upon rudder malfunction.

(b) The capability to recover rudder control within 45 seconds after failure of the steering gear control system in use.

The proposed regulations further provided that the capability for recovering rudder control could consist of either the following combinations of equipment and procedures:

(c) Two separate and independent steering gear control systems that have separate differential control units, and established procedures for operating the equipment.

(d) Procedures and associated equipment for manning steering gear spaces and emergency steering stations as necessary to recover rudder control within the prescribed time.

3. More than 130 comments were received on the May 16, 1977 notice of proposed rule making. Most comments were favorable, although some commenters also recommended additional requirements or asked questions concerning the meaning of particular provisions. The public comment period on the May 16, 1977 notice closed on November 15, 1977. Because of subsequent international developments discussed in the following paragraphs, however, a determination has been made not to finalize the proposed rules. Accordingly, the May 16, 1977 notice is withdrawn.

4. In February 1978, an International Conference on Tanker Safety and Pollution Prevention (TSPP) was held under the auspices of the Intergovernmental Maritime Consultative Organization (IMCO). The United States participated in this Conference. The Conference considered and adopted, among several items, requirements relating to control, communication, testing, and local operation of steering gear for tank vessels of 10,000 gross tons or more. Several of the TSPP requirements are based upon recommendations in IMCO Resolution A-325(IX) of November 12, 1975, entitled "Recommendation Concerning Regulations for Machinery and Electrical Installations in Passenger and Cargo Ships."

5. The principal TSPP requirements for steering gear are as follows:

a. All tankers of 10,000 gross tons and above must have two remote steering gear control systems, each operable separately from the navigating bridge.

b. The main steering gear of new tankers of 10,000 gross tons and above must have two or more identical power units, and must be capable to operating with one or more of these power units.

The TSPP requirements, and the proposed rules in this notice, do not include the proposed rules in the May 16, 1977 notice concerning (i) the steering failure alarm described in that notice, (ii) two separate differential control units, and (iii) manning of steering gear spaces. These three provisions are discussed as alternatives in the Draft Regulatory Analysis. As explained in the draft analysis, designing or retrofitting vessels in order to provide for a second differential control unit would be extremely difficult and could possibly result in control systems that are less reliable than existing systems. Also, there was a lack of support at the TSPP Conference for imposing a manning requirement (primarily because enforcing the requirement would be difficult) and a requirement to have the steering failure alarm was not adopted on the basis that use of the alarm would be no more effective than an independent rudder angle indicator. The Coast Guard in separate rule making, however, is preparing regulations that would require most new U.S. vessels to have a steering failure alarm.

6. On April 20, 1978, the Coast Guard published a notice in the FEDERAL REGISTER (42 FR 16886-16891) of a plan to implement the agreements reached at the TSPP Conference. The target dates for implementing the plan were recently updated in a notice issued in the FEDERAL REGISTER of September 21, 1978 (43 FR 42833-34). The proposals in this notice of proposed rule making are issued in accordance with that plan, and they adopt, with minor modification, the substance of the TSPP requirements. The proposals also implement Section 5 of the Port and Tanker Safety Act of 1978 (PTSA) which requires, among other things, that the minimum steering gear standards set out in that Act be adopted as U.S. regulations. Section 5 PTSA revises existing provisions in, and adds new provisions to, R.S. 4417a (46 U.S.C. 391a). The minimum steering gear standards in PTSA are essentially the same as corresponding TSPP requirements.

DISCUSSION OF PROPOSED REGULATIONS

1. Several TSPP requirements adopted as proposals in this rule making are the same as or similar to other existing Coast Guard regulations. Table I below shows which of the proposed regulations are new and which are comparable to existing Coast Guard regulations. Vessels in compliance with the existing regulations in Table I would also comply with the comparable proposed regulations and TSPP requirements. The Coast Guard intends, as a part of the ongoing effort to review and revise existing Coast Guard regulations, to remove redundant requirements from the regulations in Table I.

TABLE I

Proposed regulations	Comparable existing regulations in Title 33 and Title 46, CFR
1. § 164.39(a)	1. New.
2. § 164.39(b)(1)	2. 46 CFR 30.10-69 and 33 CFR 157.03(v).
3. § 164.39(b)(2) through (b)(8)	3. New.
4. § 164.39(c)	4. 46 CFR 58.25-55(a).
5. § 164.39(d)(1)	5. 46 CFR 58.25-55(b)(2).
6. § 164.39(d)(2)	6. 46 CFR 111.80-70(e).
7. § 164.39(d)(3)	7. New.
8. § 164.39(e)	8. New.
9. § 164.39(f)(1)	9. New.
10. § 164.39(f)(2)	10. 46 CFR 111.80-70(e).
11. § 164.39(f)(3)	11. 46 CFR 113.30-5.
12. § 164.39(f)(4)	12. 46 CFR 58.25-5(d), 46 CFR 113.40, and 33 CFR 164.35(f).
13. § 164.39(f)(5)	13. New.
14. § 164.39(g)(1)	14. 46 CFR 58.25-25.
15. § 164.39(g)(2)	15. New.
16. § 164.39(g)(3)	16. 46 CFR 58.25-10(a).
17. § 164.39(h)(1)	17. 46 CFR 58.25-25, except the reference to proposed § 164.39(g)(2).
18. § 164.39(h)(2)	18. 46 CFR 58.25-10(a).
19. § 164.39(i)	19. New.
20. § 164.39(j)(1)(i)	20. New.
21. § 164.39(j)(1)(ii)	21. 46 CFR 111.80-70(d)(2) and (3).
22. § 164.39(j)(2)	22. New.
23. § 164.39(k) through (u)	23. New.

2. The proposed revisions to § 164.01(a) add a reference to the foreign vessel exception in proposed § 164.02, and a reference to the differing applicability of proposed § 164.39. Proposed § 164.02 is new. This section restates the foreign vessel exception in Section 2 of PTSA, which is the new legal authority for the regulations in 33 CFR Part 164.

3. As provided in proposed § 164.39(a)(1) and (a)(2)(i), the regulations in this notice of proposed rule making would apply to tank vessels of 10,000 gross tons or more that are documented under the laws of the United States (U.S. vessels), or that call at a port or place subject to the jurisdiction of the United States (foreign vessels). As further provided in proposed § 164.39(a)(2)(ii), the regulations would also apply to certain other foreign vessels that operate in U.S. navigable waters. The exceptions for public vessels in proposed § 164.39(a) is also contained in Section 5 of PTSA. It is emphasized that the proposals would apply to both oil tankers and tankers carrying other types of hazardous liquid cargo in bulk.

4. The definition in § 164.39(b) are essentially the same as corresponding definitions in Section 5 of PTSA and the TSPP requirements. The TSPP requirements also adopt the concept of "maximum service speed." This term is defined in IMCO Resolution A.325(IX) and is included in the proposed regulations as § 164.39(b)(8).

5. As mentioned previously, the principal requirements adopted by the TSPP Conference include the requirement to have two remote steering gear control systems and the requirement to have two or more identical steering gear power units. These requirements are in proposed § 164.39 (c), (d), (g), and (h).

6. Proposed § 164.39(g)(3) provides that each new foreign tank vessel must have a main steering gear that can, while operating with one or more power units, move the rudder as required by that regulation. The TSPP requirements contain this same provision. Proposed § 164.39(h)(2) also adopts this provision for new U.S. tank vessels, except in one respect. Proposed § 164.39(h)(2) requires that only one steering gear power unit may be used to comply with that regulation and, thus, imposes a more rigorous standard than the corresponding standard in proposed § 164.39(g)(3). However, current practice in design and construction of U.S. tank vessels is to provide steering gear power units that would meet proposed § 164.39(h)(2).

7. Proposed § 164.39(k) requires that the power supply of at least one steering gear power unit on a new tank vessel, and its associated remote steering gear control system, be the vessel's main source of electrical power. Although the TSPP provisions do not contain a similar requirement, current practice in design and construction of tank vessels is to supply steering gear power units from the main source of electrical power. Proposed § 164.39(k) has been included to ensure that on a new tank vessel the alternative source of power required by proposed § 164.39(l) will not be the sole source of electrical power to the steering gear installation.

8. The effective date in proposed § 164.39(u) and the postponed compliance date in proposed § 164.39(s) for existing tank vessels would be the target dates recommended by the TSPP Conference. The Coast Guard gave notice of the intention to adopt these dates in the Regulatory Implementation Plan published in the FEDERAL REGISTER of April 20, 1978 (43 FR 16886-16891).

9. To the maximum extent possible, the wording used in the TSPP requirements has been retained in the proposed regulations. Also the proposed regulations are arranged, as much as possible, in the same order as the TSPP requirements to facilitate comparing one set of requirements with the other.

10. The proposed regulations do not contain most of the TSPP requirements for testing steering equipment. These requirements are already covered, although not in as much detail, in 33 CFR 164.11(q) and 164.25. The TSPP requirements for drills and operation of steering equipment, and the TSPP testing requirement that is not already in 33 CFR Part 164, are included in the proposed rules as § 164.39 (o) through (r).

REGULATORY ANALYSIS

1. A Draft Regulatory Analysis has been prepared for these proposed regulations in accordance with Department of Transportation Notice 78-1 entitled "Improving Government Regulations" (43 FR 9582-9584). The analysis was conducted in conjunction with the other TSPP regulatory projects proposed in this issue of the FEDERAL REGISTER.

2. The draft analysis discusses the economic impact of the proposed rules as follows:

The cost of the improved steering requirement is a one-time cost that, for the most part, is independent of vessel size. The cost of the second steering gear control system and required alarm on existing vessels is estimated to be approximately $30,000 per vessel. It is estimated that approximately 40 percent of the foreign vessels entering U.S. ports and 30 percent of U.S. flag vessels will require another steering gear control system. Further, it is estimated that 90 percent of the foreign flag vessels and 70 percent of the U.S. flag vessels will need the additional alarm and/or circuit arrangement modifications * * *.

Most of the economic impact will be on existing tank vessels since, as explained in the draft analysis, few new tank vessels are expected to be built within the next five years. The number of existing tank vessels that would have to comply with the steering gear regulations is approximately 1,650. The total capital cost for existing vessels is expected to be approximately $20,000,000.

3. The ultimate benefits and impact of the regulations would be a reduction in the probability of collision and grounding of tankers caused by steering failure and a resulting reduction in risk of property damage, personal injury and death, and pollution of the oceans and U.S. waters.

In consideration of the foregoing, the Coast Guard proposed to amend Part 164 of Title 33, Code of Federal Regulations, as follows:

PART 164—TANK VESSELS OF 10,000 GROSS TONS OR MORE

1. By revising the authority citation for Part 164 to read as follows:

AUTHORITY: Sec. 2, Port and Tanker Safety Act of 1978 (Pub. L. 95-474); 49 CFR 1.46(n)(4), except as otherwise noted.

2. By revising § 164.01 to read as follows:

§ 164.01 Applicability.

(a) This part (except § 164.39) applies to each self-propelled vessel of 1600 or more gross tons (except foreign vessels described in § 164.02) when it is operating in the navigable waters of the United States (except the Panama Canal or St. Lawrence Seaway).

3. By adding a new § 164.02 to read as follows:

§ 164.02 Applicability exception for foreign vessels.

(a) This part (including § 164.39) does not apply to foreign vessels that—

(1) Are not destined for, or departing from, a port or place subject to the jurisdiction of the United States; and

(2) Are in—

(i) Innocent passage through the territorial sea of the United States; or

(ii) Transit through navigable waters of the United States which form a part of an international strait.

4. By adding a new § 164.39 to read as follows:

§ 164.39 Steering gear: tank vessels.

(a) This section applies to each tank vessel of 10,000 gross tons or more, except a public vessel, that—

(1) Is documented under the laws of the United States (U.S. vessel); or

(2) Is a foreign vessels that—

(i) Calls at a port or place subject to the jurisdiction of the United States; or

(ii) Otherwise enters or operates in the navigable waters of the United States, except vessels described in § 164.02.

(b) *Definitions.* (1) "Tank vessel" means a vessel constructed or adapted primarily to carry oil or hazardous materials in bulk in cargo spaces.

(2) "New tank vessel" means a tank vessel—

(i) For which the building contract is placed after June 1, 1979; or

(ii) In the absence of a building contract, the keel of which is laid, or which is at a similar stage of construction after January 1, 1980; or

(iii) The delivery of which is after June 1, 1982; or

(iv) Which has undergone a major conversion, which is contracted for after June 1, 1979, or construction work of which is begun after January 1, 1980, or completed after June 1, 1982.

(3) "Major conversion" means, for the purpose of this paragraph, a conversion of an existing tank vessel which substantially alters the dimensions or carrying capacity of the vessel, or changes the type of vessel, or substantially prolongs its life, or which otherwise so alters the vessel that it is essentially a new tank vessel. A major conversion does not include, however, any alteration or modification made to meet the requirements of this section.

(4) "Public vessel", "oil", "hazardous materials", "foreign vessel", and "existing", as used in this section, have the same meanings provided for these terms in Section 5 of the Port and Tanker Safety Act of 1978 (46 U.S.C. 391a).

(5) "Main steering gear" means the steering gear power units (if any) and their ancillary equipment, and the machinery that can apply enough torque to the rudder stock, tiller, or quadrant to effect movement of the rudder and steer the vessel under normal operating conditions.

(6) "Steering gear power unit" means—

(i) In the case of electric steering gear, an electric motor and its associated electrical equipment such as the motor controller and disconnect switch;

(ii) In the case of electro-hydraulic steering gear, an electric motor and its associated electrical equipment and connected pump; and

(iii) In the case of other hydraulic steering gear, a driving engine and connected pump.

(7) "Remote steering gear control system" means a system by which orders for rudder movements are transmitted from the navigating bridge to the steering gear power unit controls.

(8) "Maximum service speed" means the greatest speed that a vessel is designed to maintain at its deepest seagoing draft.

(c) Each tank vessel must have two remote steering gear control systems, except that separate steering wheels or steering levers are not required.

(d) Each remote steering gear control system required by paragraph (c) of this section must—

(1) Be arranged so that if the system in operation fails, the other system can be brought into immediate operation from a position on the navigating bridge;

(2) If electric, be supplied with power by a circuit that is—

(i) Used for no other purpose; and

(ii) Is connected in the steering gear compartment to the circuit that supplies power to the steering gear power unit controlled by the steering gear control system; and

(3) Have an audible and visual alarm that activates on the navigating bridge upon loss of power to the system.

(e) The visual alarm required by paragraph (d) of this section must be placed in a location on the navigating bridge where it can be readily seen.

(f) Each tank vessel must have—

(1) A means in the steering gear compartment for controlling the main steering gear;

(2) A means in the steering gear compartment to disconnect each remote steering gear control system from its power supply;

(3) A means to communicate between the navigating bridge and the steering gear compartment;

(4) A rudder angle indicator system that is—

(i) Located on the navigating bridge, and

(ii) Independent of each remote steering gear control system; and

(5) A means for indicating in the steering gear compartment the angular position of the rudder.

(g) Each new foreign tank vessel must have a main steering gear that—

(1) Has two or more identical steering gear power units;

(2) To the extent practicable, is arranged so that a failure in its piping or a steering gear power unit will not impair operation of the remaining part of the steering gear; and

(3) Can, while the vessel is operating at maximum service speed in its deepest seagoing draft with one or more power units—

(i) Put the rudder over from 35 degrees on one side of the vessel to 35 degrees on the other side; and

(ii) Put the rudder over from 35 degrees on either side of the vessel to 30 degrees on the other side is not more than 28 seconds.

(h) Each new U.S. tank vessel must have a main steering gear that—

(1) Meets the requirments for a main steering gear in paragraphs (g)(1) and (g)(2) of this section; and

(2) Can, while the vessel is operating at maximum service speed in its deepest seagoing draft with only one power unit, move the rudder in the manner described in paragraphs (g)(3)(i) and (g)(3)(ii) of this section.

(i) Mechanical couplings, including mechanical connections with a remote steering gear control system, on a new tank vessel must be of sound construction and designed for reliable performance.

(j) Each steering gear power unit on a new tank vessel must—

(1) Be designed so that—

(i) When operating at the time of power failure, it will start automatically after power is restored unless it is manually shut off during the power failure; and

(ii) It can be brought into operation from a position on the navigating bridge;

(2) Have an alarm that activates on the navigating bridge upon loss of power to the power unit.

(k) The power supply of at least one steering gear power unit on a new tank vessel, and one remote steering gear control system, must be the vessel's main source of electrical power.

(l) Each new tank vessel must have an alternative power supply that can automatically supply power to a steering gear power unit, its associated remote steering gear control system, and the rudder angle indicator system within 45 seconds after loss of the vessel's main source of electrical power.

(m) The alternative power supply required by paragraph (l) of this section must be—

(1) The emergency source of electrical power on the vessel; or

(2) An independent source of power that—

(i) Is located in the steering gear compartment;

(ii) Is not used for any purpose other than as an alternative power supply; and

(iii) Has sufficient capacity for at least one half hour of continous operation.

(n) A steering gear power unit on a new tank vessel, when supplied by the alternative power supply, must be capable of putting the rudder over from 15 degrees on one side of the vessel to 15 degrees on the other side within 60 seconds when the vessel is operating in its deepest seagoing draft at ½ maximum service speed or 7 knots, whichever is greater.

(o) Each tank vessel must have operating instructions and a block diagram that clearly and simply explain the change-over procedures for the remote steering gear control systems and steering gear power units on the vessel. The instructions and block diagram must be permanently displayed both on the navigating bridge and in the steering gear compartment on the vessel.

(p) No tank vessel may enter or be operated in confined or congested waters described in § 164.16 unless—

(1) When underway in those waters, at least two of the steering gear power units on the vessel are in operation if simultaneous operation of the units is practicable; and

(2) Within one hour before entering those waters the steering wheel or lever on the navigating bridge is operated to determine whether the steering equipment is operating properly under manual control.

(q) The master of a U.S. tank vessel shall conduct an emergency steering drill at least once every 3 months and have the results of the drill logged in the vessel's log book. The drill must include at a minimum the following:

(1) Operation of the main steering gear from within the steering gear compartment.

(2) Operation of the means of communication required by paragraph (f)(3) of this section.

(3) Operation of the alternative power supply if the vessel is so equipped.

(r) No tank vessel may enter or be operated in U.S. navigable waters unless the emergency steering drill described in paragraph (q) of this section has been—

(1) Conducted within three months prior to entry; and

(2) Logged in the vessel's log book.

(s) Compliance with the requirements in paragraphs (c) through (f) of this section is not required until June 1, 1981.

(t) This section is issued under the authority of Section 5 of The Port and Tanker Safety Act of 1978 (Sec. 5, Pub. L. 95-474) (46 U.S.C. 391a)).

(u) These regulations become effective on June 1, 1979.

(Sec. 5, Pub. L. 95-474 (46 U.S.C. 391a); 49 CFR 1.46).

Dated: February 5, 1979.

R. H. SCARBOROUGH,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[FR Doc. 79-4513 Filed 2-9-79; 8:45 am]

[4910-14-M]

[46 CFR Parts 30, 32, 34]

[CGD 77-057a]

INERT GAS AND DECK FOAM SYSTEMS

Proposed Rule; Withdrawal of Previous Proposed Rule

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule; withdrawal of previous proposed rule.

SUMMARY: This proposed amendment to the tank vessel regulations requires all new crude oil tankers and product carriers which enter U.S. ports, both foreign and domestic, which are of 20,000 deadweight tons and above to be fitted with an inert gas system. New foreign flag vessels of 20,000 DWT and greater would be required to be fitted with a fixed deck foam system. Additionally, all existing vessels greater than 20,000 DWT for crude carriers and 40,000 DWT for product carriers will have to be fitted with an inert gas system. Dates for implementation are specified in the rule.

DATES: Comments must be received on or before: April 16, 1979.

ADDRESSES: Comments should be submitted to Commandant (G-CMC/81), (CGD 77-057a), U.S. Coast Guard, Room 8117, 400 Seventh Street, S.W., Washington, D.C. 20590. Comments will be made available for examination at the Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Daniel F. Sheehan, Office of Merchant Marine Safety (G-MMT/82), Room 8225, U.S. Coast Guard, Department of Transportation, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590, 202-426-2197.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, data or arguments. Each comment should include the docket number (CGD 77-057a), the name and address of the person submitting the comments, the specific section of the proposal to which each comment is addressed, and give the reasons for the comment. All comments received before the expiration of the comment period will be fully considered before final action is taken on this proposal.

On May 16, 1977, the Coast Guard published a notice (CGD 77-057) requiring the fitting of an Inert Gas System (IGS) on all tankers 20,000 deadweight tons and above. New vessels would be required to comply after the effective date of the rulemaking and existing vessels would have 60 months from that date.

On April 20, 1978, the Coast Guard published a notice (CGD 78-053) outlining the results of the International Conference on Tanker Safety and pollution Prevention (TSPP Conference). In that notice there was specific discussion of the time tables that the Coast Guard proposed for implementation of the results.

A new notice is being published because the Port and Tanker Safety Act of 1978 (Pub. L. 95-474) requires a different approach, particularly with regard to effective dates and the concept of a "new" vessel than that detailed in CGD 77-057, which is hereby withdrawn.

Drafting Information

The principal persons involved in drafting this rule are: Daniel F. Sheehan, Project Manager, Office of Merchant Marine Safety; and Michael N. Mervin, Project Attorney, Office of Chief Counsel.

Background

During the winter of 1976-77, several tanker casualties occurred in or near U.S. waters. These casualties demonstrated the need for a global effort to improve the level of safety of tank vessels and to decrease their pollution potential. The President, in his message to Congress of March 17, 1977, proposed a series of initiatives to be taken both nationally and internationally. These initiatives were broad in scope and included, among several things, a proposal to require an IGS on all tankers of 20,000 deadweight tons and over.

On the basis of the Presidential initiatives, the Coast Guard published proposed rules in the Federal Register of May 16, 1977. The proposed rules contained requirementss for oil tankers of 20,000 deadweight tons or more to have an IGS. New tankers constructed after the effective date of the rulemaking would be required to be fitted with an IGS and those existing tankers which were not currently required by regulations to have an IGS would be given 60 months after the effective date of the rule to comply.

More than 200 comments were received on the May 16, 1977 notice of proposed rulemaking. Most comments were favorable, although some suggested specific proposals which would have deviated from the notice with respect to scope and extent of application. The results of the TSPP Conference, which are described in the following paragraphs, do restrict to some degree the extent and scope of the rulemaking.

At the TSPP Conference, the following was agreed to with respect to fitting of inert gas systems:

All new tankers (crude and product) of 20,000 deadweight tons and above must be fitted with an IGS.

All existing crude carriers of 20,000 deadweight tons and above must be fitted with an IGS. It should be noted that each administration may grant exemptions from this requirement if fitting is deemed unreasonable and impracticable.

All existing product carriers of 40,000 deadweight tons and above must be fitted with an IGS.

All existing tankers of greater than 20,000 deadweight tons that either—

(1) Have fixed high capacity washing machines (60 cubic meters per hour), or

(2) Operate a crude oil washing system, must be fitted with an IGS.

"New vessel" is defined as a vessel that—

(1) Is constructed under a building contract awarded after June 1, 1979;

(2) In the absence of a building contract, has the keel laid or is at a similar stage of construction after January 1, 1980; or

(3) Is delivered after June 1, 1982.

(4) Which has undergone a major conversion, which is contracted for after June 1, 1979, or construction work of which is begun after January 1, 1980, or completed after June 1, 1982.

Existing vessels are vessels which are not new vessels. It should be noted that U.S. flag vessels affected by CGD 74-127, published January 26, 1976 (41 FR 3838) would still have to comply with that rule.

Contained in the results of the conference are resolutions which address the subject of target dates for the coming into force of the SOLAS 1974 protocol. On the basis of the resolution and the stated intention of the Coast Guard, 43 FR 16886 (April 20, 1978), to utilize these dates, the following is a description of the time period of implementation of the IGS requirements:

Existing Crude and Product Carriers of 70,000 deadweight tons and over will be required to be fitted with IGS by June 1, 1981.

Existing Crude Carriers between 20,000 and 70,000 deadweight tons will be required to be fitted with IGS by June 1, 1983.

Existing Product Carriers between 40,000 and 70,000 deadweight tons will be required to be fitted with IGS by June 1, 1983.

The conference also specified fitting a fixed deck foam system on all new tank vessels of 20,000 deadweight tons and above. U.S. flag tank vessels are currently required to be fitted with fixed deck foam systems, therefore, this proposal addresses new foreign flag tank vessels.

This proposal has been reviewed under the Department of Transportation's "Policies and Procedures for Simplification, Analysis and Review of Regulations" (43 FR 9582, March 8, 1978). A Draft Evaluation has been prepared and is included in the public docket.

DISCUSSION OF COMMENTS.

In response to CGD 77-057, there were over two hundred comments concerning either the Presidential Initiatives in general as reflected in the rulemaking or a discussion of specific items contained in that rulemaking. The great majority of commentators did not provide technical comments but rather general support for the approach.

The technical comments can be divided into the following general categories:

Justification for IGS.
Applicability of IGS to Product Carriers.
Retrofitting of IGS in vessels below 100,000 tons deadweight.
Evnironmental and Miscellaneous issues.

Each section will be addressed separately.

JUSTIFICATION FOR IGS

Several commentators felt that there was inadequate justification for the retrofitting of inert gas systems. Points were raised that the number of serious explosions had decreased in the last several years and that this should be attributed to safer operating procedures and the fitting of an IGS on the majority of vessels over 100,000 DWT. It is true that the gross number of explosions has gone down over the last several years.

It is agreed that a large portion of vessels over 100,000 DWT have been fitted with an IGS and that this has had an impact. Serious explosions have occurred on vessels smaller than 100,000 DWT and these have tended to occur in port or in close proximity to port. This coupled with the potential that exists for tank vessel explosions dictated the initial proposals.

The TSPP Conference protocols reflect this in that the base starting point for most vessels is 20,000 DWT. The singular exception is that portion which requires existing product carriers to start at 40,000 DWT. This will be discussed in the next section.

Other commentators felt that the proposal did not go far enough and that the requirement should be extended to all barges and to all tank vessels greater than 1600 gross tons. On balance the scope and extent this proposal is judged adequate by the Coast Guard.

One commentator stated that the initial reason that inert gas systems were required for large vessels was related to the problems associated with high capacity washing machines. It was the opinion of the commentator that this should be addressed in the rulemaking. In accordance with this comment, the rulemaking has been revised to include vessels equipped with high capacity washing machines. These are defined as machines which have a capacity of 60 cubic meters per hour or more.

APPLICABILITY OF INERT GAS SYSTEMS TO PRODUCT CARRIERS

Several commentators felt that inert gas systems should not be required for existing product carriers. Others felt that they should not be required for new product carriers, while others felt that there was no problem in retrofitting product carriers with inert gas systems.

Those objecting to fitting of IGS on product carriers did so on the basis of concern for product contamination.

CONCERN FOR PRODUCT CONTAMINATION

Potential product contamination is a problem that must be considered by a product tanker operator. Products are often formulated with special additives that impart a certain quality to that product. Contamination by water, particulate matter, incompatible chemicals or by another product can serve to diminish product quality. In practice tanker operators exercise a great deal of care to prevent product or cargo contamination.

The potential for product contamination via the IGS is twofold. First, if the IGS is not operating efficiently and the system scrubbers do not remove adequate amounts of sulphur or other particulate matter, these may be carried over to the cargo and subsequently contaminate the cargo. A second possibility exists if the piping system for the inert gas system is inappropriately managed. Inert gas system piping is often common to a number of tanks. Through this system of piping it is possible, through inattention or mismanagement of cargo vapor, to have one cargo contaminate another.

Both of these problems were thoroughly aired at the TSPP Conference and its preparatory sessions. Product carriers have been inerted since 1935 by one U.S. tanker operator and since 1963 by a company in the United Kingdom. Recent tests by a major oil company have not indicated product contamination with properly scrubbed inert gas, a conclusion verified by experience. The problem of vapor line inert gas management is one which will require the same diligence that product tanker operators currently practice. It should be noted that the TSPP Conference recognized that product carriers between 20,000 deadweight tons and 40,000 deadweight tons generally contain a greater number of tanks and associated piping than a crude oil vessels of comparable size. Taking this into account it was decided to restrict retrofit installation of IGS on vessels in this size range because an additional hazard due to inherent system/cargo complexity could be introduced. In summary, the problems of product contamination are controllable if proper attention is given to IGS maintenance and cargo management. The incentives of safety and economics play an equal role.

INSTALLATION OF IGS IN VESSELS BELOW 20,000 DWT

One commentator suggested that an IGS should be required on all barges and all tank vessels greater than 1600 gross registered tons; additionally, that integrated tug barges should be covered by the regulations. Utilizing 20,000 deadweight tons as a lower limit for mandatory fitting of an IGS was based on the assessment that this would include the majority of foreign flag tankers that trade in U.S. ports. Smaller tankers and barges do not have a significant history of fires and explosions and further those that trade in U.S. waters are primarily U.S. flag vessels subject to stringent design, operation, and certification standards.

For the purposes of this rulemaking integrated tug barges which carry grades A, B, C, or D cargo in bulk and have a combined deadweight tonnage above the applicable tonnage base will be treated as tank ships.

It should be pointed out that several commentators felt that an IGS should be required only on vessels of 100,000 deadweight tons and over.

ENVIRONMENTAL ISSUES

Two commentators wrote of possible environmental aspects of inert gas systems. The first comment concerned the production of sulfurous acid when flue gases containing sulfur are scrubbed. Water is used to scrub sulfur and particulate matter from the flue gas and it is subsequently pumped overboard. In some instances, the water contains a mixture of sulfurous acid. This condition has been investigated by several major oil companies and by Det Norske Veritas, a Norwegian classification society. In each instance, measurements were made of the pH of the water at various distances from the underwater outlet. The measurements indicated that the sea water safely neutralized the acid mixture without apparent ill effects. Further, particulate matter in flue gas enters the water after stack gases cool. The scrubbing process has the same end effect.

The second issue raised was whether or not the fitting of an IGS increased hydrocarbon emission into the atmosphere. The question contained no boundary conditions with respect to what part of the ships operational cycle the comment applied to. As a result an examination of a vessel normal operating cycle of-Loading-Loaded voyage-discharge of cargo-Ballasting-Ballast Voyage-was examined.

Inert gas systems, by virtue of functional requirements, provide a system where cargo tanks are not normally open to the atmosphere. This is done to maintain a proper inert gas mixture in the tanks. Discharge of hydrocarbon vapors into the atmosphere in a vessel equipped with an IGS would occur when the vessel ballasted, during any tank breathing through the Pressure/Vacuum Valves due to atmospheric changes, and when the vessel was being loaded. A vessel not equipped with an IGS would also release hydrocarbons into the atmosphere under these circumstances. On this basis vessels equipped with IGS should not increase hydrocarbon emissions into the atmosphere.

EQUIVALENCE

SOLAS 74 and the 1978 Protocol to the 1974 Safety Life at Sea Convention permit alternative systems for the protection of cargo tanks as long as certain principles are met. When the Coast Guard promulgated rules and regulations to make Regulation 60 of Chapter II-2 of SOLAS 74 mandatory for U.S.-flag vessels it was considered unnecessary to develop specific guidelines to permit alternatives. The general equivalency clause in the base regulation (46 CFR Subchapter D) permits "equivalent systems" if an equivalent degree of safety is maintained. This approach permits sufficient latitude with appropriate safeguards.

EXEMPTIONS

The 1978 Protocol to the 1974 Safety of Life at Sea Conference and the Port and Tanker Safety Act of 1978 permits the Coast Guard to exempt the fitting of an IGS on existing crude oil carriers between 20,000 DWT and 40,000 DWT if fitting of such a system is deemed unreasonable and impractical. Petitions will be scrutinized carefully to ensure that the stringent criteria for obtaining an exemption are satisfied. The existence of independent inert gas generating systems weakens the argument, for example, that onboard boiler capacity is insufficient to provide inert gas.

The Port and Tanker Safety Act of 1978 provides that where a deck foam system or an IGS would be incompatible with the cargo carried, that the vessel owner may request an exemption from the specific requirement as long as no alternative protection is provided. Deck foam systems do not present a problem with regard to this, in that they are utilized during emergency conditions when the cargo is on fire and cargo contamination is not the primary concern. Of course, foam would not be required on a vessel carrying only cargo which reacts violently with the water in the foam.

The effectiveness of deck foam systems can be affected by the type of cargo carried. Specifically, polar solvents destroy regular foams. If a cargo is a polar solvent hydrocarbon, a polar solvent foam must be used if firefighting effectiveness is to be achieved. This is taken into account during the design phase of the vessel and is not judged to be a problem.

Certain products may prove to be incompatible with shipboard produced inert gas. The Port and Tanker Safety Act provides that a ship owner may request an exemption from the requirement for an IGS on a particular cargo as long as an alternative arrangement is provided that is accepted by the Commandant. Owners may make application in accordance with the provisions detailed in the regulations. These applications will be reviewed on a case-by-case basis. The owner must provide laboratory proof that the cargo is indeed incompatible with good quality inert gas.

Accordingly, the Coast Guard proposes the following amendments to Title 46, Code of Federal Regulations:

PART 30—GENERAL PROVISIONS

1. By adding a new § 30.01-5(e)(2) as follows:

§ 30.01-5 Application of regulations—TB/ALL.

* * * * *

(e) * * *

(2) A foreign flag vessel, except a public vessel, which operates on or enters the navigable waters of the United States, or which transfers oil in any port or place subject to the jurisdiction of the United States, must comply with the provisions of Subparts 32.53 and 34.05 of this chapter, as applicable.

* * * * *

PART 32—SPECIAL EQUIPMENT, MACHINERY, AND HULL REQUIREMENTS

2. By revising § 32.53-1 to read as follows:

§ 32.53-1 Application—T/ALL.

(a) Except as provided in paragraph (b) of this section, this subpart applies to:

(1) A U.S. crude oil tanker or product carrier of 100,000 DWT tons (metric) or more or combination carrier of 50,000 DWT tons (metric) or more, that has a keel laying date on or after January 1, 1975.

(2) A new (as defined in 46 U.S.C. 391a(2)) crude oil tanker or product carrier, or foreign flag crude oil tanker or product carrier of 20,000 DWT tons or more entering the navigable waters of the U.S.

(3) A crude oil tanker that is equipped with a cargo tank cleaning system that uses crude oil washing.

(4) An existing product carrier of 20,000 deadweight tons (metric) or more that has tank washing machines with a capacity of more than 60 cubic meters per hour after May 31, 1983.

(5) Any other U.S. or foreign flag—

(i) Crude oil tanker or product carrier of 70,000 deadweight tons (metric) and over after May 31, 1981;

(ii) Crude oil tanker between 20,000 and 70,000 deadweight tons (metric) after May 31, 1983;

(iii) Product carrier between 40,000 and 70,000 deadweight tons (metric) after May 31, 1983.

(b) This subpart does not apply to vessels designed to carry only—

(1) Liquefied gas cargo; or

(2) Grade E cargo that is carried at a temperature lower than 50°C below its flash point.

3. Adding a new § 32.53 as follows:

§ 32.53-3 Exemptions.

(a) The Chief, Office of Merchant Marine Safety grants exemptions for crude oil tankers of less than 40,000 deadweight tons not fitted with high capacity tank washing machines, if the vessel's owner can show that compliance would be unreasonable and impracticable due to the vessel's design characteristics.

(b) Requests for exemptions must be submitted in writing to:

Commandant (G-MMT/82), U.S. Coast Guard, Washington, D.C. 20590.

(c) Each request must be supported by documentation showing that—

(1) The system would be detrimental to the safe operation of the vessel;

(2) It is physically impracticable to install the system; or

(3) Adequate maintenance of the system would be impossible.

(d) The vessel's owner may request a conference. The exemption request file will be available for use in the conference and additional arguments or evidence in any form may be presented. The conference will be recorded. The presiding officer summarizes the material presented at the conference and submits written recommendations to the Chief, Office of Merchant Marine Safety.

(e) The Chief, Office of Merchant Marine Safety reviews the exemption request file and decides whether to grant or deny the exemption. The decision shall include an explanation of the basis on which the exemption is granted or denied, and constitutes final agency action.

PART 34—FIREFIGHTING EQUIPMENT

4. By adding a new sentence to § 34.05-5(a)(2) as follows:

§ 34.05-5 Fire-extinguishing systems—T/ALL.

* * * * *

(a) * * *

(2) * * * new foreign flag tankers of 20,000 DWT and over as defined in subsection (2) of 46 U.S.C. 391a must be fitted with a fixed deck foam system complying with Regulation 61, Chapter II-2 of SOLAS 1974.

* * * * *

5. By adding a new § 34.20-1(c) as follows:

§ 34.20-1 Application—T/ALL.

* * * * *

(c) Foreign flag crude oil tankers and product carriers required to have fixed deck foam systems by this subpart must have systems that are designed and installed in accordance with Regulation 61 of Chapter II-2 of SOLAS 1974. (Senate Document, 57-1180, GPO, Washington, 1976; "Message from the President of the United States transmitting, the International Convention for the Safety of Life at Sea, 1974, Done at LONDON, November 1, 1974").

(46 U.S.C. 391a; 49 CFR 1.46(n)(4))

Dated: February 5, 1979.

R. H. SCARBOROUGH,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[FR Doc. 79-4514 Filed 2-8-79; 8:45 am]

federal register

MONDAY, FEBRUARY 12, 1979
PART IV

DEPARTMENT OF ENERGY

Industrial Energy Conservation Program

■

IDENTIFICATION OF CORPORATIONS FOR PURPOSES OF INDUSTRIAL ENERGY REPORTING AND RECOVERED MATERIALS REPORTING

[6450-01-M]

DEPARTMENT OF ENERGY

INDUSTRIAL ENERGY CONSERVATION PROGRAM

Identification of Corporations for Purposes of Industrial Energy Reporting and Recovered Materials Reporting

AGENCY: Department of Energy.

ACTION: Notice of Corporate Identification.

SUMMARY: The Department of Energy (DOE) is identifying corporations which consumed at least one trillion British thermal units (Btu's) of energy in calendar year 1977 in any of the 20 major energy-consuming manufacturing industries identified by DOE, as required by the National Energy Conservation Policy Act (NECPA) which amended the Energy Policy and Conservation Act. DOE is also notifying the identified corporations in four manufacturing industries of the requirements of section 461 of the NECPA and is advising them that DOE will shortly specify the format for the first report on the use of recovered materials. The identified corporations are listed alphabetically by industry in the appendix to this notice.

FOR FURTHER INFORMATION CONTACT:

On Industrial Energy Reporting: Robert G. Massey or Theodore C. Collins, Industrial Programs, Office of Assistant Secretary, Conservation and Solar Applications, U.S. Department of Energy, 666 11th Street, NW., Suite 735, Washington, D.C. 20001, 202-724-3459.

On Recovered Materials Reporting: Lewis G. Newman, Industrial Programs, Office of Assistant Secretary, Conservation and Solar Applications, U.S. Department of Energy, 20 Massachusetts Avenue, NW., Room 5114, Washington, D.C. 20545, 202-376-1757.

SUPPLEMENTARY INFORMATION: In a FEDERAL REGISTER notice issued on January 4, 1979 (44 FR 1770, January 8, 1979) as corrected by notice issued on January 16, 1979 (44 FR 4008, January 19, 1979), the Department of Energy (DOE) described the implementation of energy reporting for the Industrial Energy Conservation Program (program) under Part E (formerly Part D) of Title III of the Energy Policy and Conservation Act (42 U.S.C. 6341-6346) (EPCA), and the changes and additions to the program mandated by the recently enacted National Energy Conservation Policy Act (Pub. L. 95-619) (NECPA). These changes and additions include the requirement of section 601 of the NECPA that DOE identify each corporation which consumed at least one trillion British thermal units (Btu's) per year in any of the major energy-consuming industries identified by DOE and the requirement of section 461 of the NECPA that DOE notify the identified corporations in the four industries subject to section 461 of the requirements of section 461.

To implement these requirements of the NECPA, DOE in the January 8, 1979 FEDERAL REGISTER notice required all corporations which consumed at least one trillion Btu's of energy in calendar year 1977 in any of the 20 major energy-consuming industries identified by DOE to file a certified statement to that effect with DOE. The deadline for filing such a report with DOE was January 29, 1979. Based on the reports filed in response to this information filing requirement, DOE identifies pursuant to section 373 of the EPCA, as amended, the corporations listed in the appendix to this notice.

DOE requested information from corporations on energy consumption on two bases, including and excluding the energy represented in petroleum and natural gas and their derivatives used as feedstocks. The distribution of responses to the FEDERAL REGISTER notice is shown in the following table:

SIC and industry		No. of corporations	
		Including feedstock	Excluding feedstock
20	Food and kindred products	93	97
21	Tobacco products	4	4
22	Textile mill products	45	45
23	Apparel and other textile products	0	0
24	Lumber and wood products	16	16
25	Furniture and fixtures	2	2
26	Paper and allied products	73	73
27	Printing and publishing	1	1
28	Chemicals and allied products	145	145
29	Petroleum and coal products	65	63
30	Rubber, misc. plastics products	28	28
31	Leather and leather products	1	1
32	Stone, clay and glass products	100	100
33	Primary metal industries	94	94
34	Fabricated metal products	42	42
35	Machinery, except electrical	34	34
36	Electric, electronic equipment	18	18
37	Transportation equipment	33	33
38	Instruments and related products	10	10
39	Miscellaneous manufacturing industries	1	1

DOE is currently preparing and will issue for public comment regulations for the expanded program. These regulations will establish whether those identified corporations which, excluding feedstocks, consumed less than one trillion Btu's, will be required to report under the program and will establish procedures for modification and approval of DOE's identification of a corporation. These regulations will require covered corporations to report on energy consumption either directly or, if exempted, through an adequate voluntary reporting program, as provided in Sections 375 and 376 of the EPCA, as amended. They also will prescribe revised exemption criteria for adequate voluntary reporting programs pursuant to section 376(g) of the EPCA. However, the corporations which have been identified prior to the issuance of this notice under the already implemented reporting aspects of the program should continue to file reports with DOE either directly or through an adequate voluntary reporting program, as appropriate, for their energy consumption through calendar year 1978.

In addition, DOE is notifying all identified corporations in SIC codes 22, 26, 30 and 33 that pursuant to section 374A of the EPCA, as established by section 461 of the NECPA, each such corporation will be required to report to DOE as follows: initially, on the volume of energy-saving recovered materials the corporation is using in each of its manufacturing operations located in the United States and any plans it has to increase the utilization of such materials in those operations in each of the next ten years; and thereafter annually, on the progress it has made to increase the utilization of energy-saving recovered materials to reach targets established by DOE for its industry. DOE intends to inform these corporations of the time and format of the first report on the use of recovered materials very shortly. No report is required until those requirements are provided by DOE.

DOE received several comments on the January 29, 1979 deadline for responding to the January 8, 1979 FEDERAL REGISTER notice. The short response time was due to the statutory deadline for identifying corporations contained in the NECPA. However DOE will at a future time identify those corporations which respond after the deadline and will publish a list of the identified corporations in the FEDERAL REGISTER. Moreover, any corporation which meets the criteria set forth in the January 8, 1979 notice and has not responded to the notice must still respond to DOE as required by that notice; failure to respond to the January 8 notice will not relieve any corporation otherwise required to report from the reporting requirements of the program.

(Energy Policy and Conservation Act (Pub. L. 94-163), as amended by the National Energy Conservation Policy Act (Pub. L. 95-619); Federal Energy Administration Act of 1974 (Pub. L. 93-275), as amended; E.O. 11790 (39 FR 23185); The Department of Energy Organization Act (Pub. L. 95-91); E.O. 12009 (42 FR 46267)).

Issued in Washington, D.C., February 7, 1979.

OMI WALDEN,
Assistant Secretary, Conservation and Solar Applications.

APPENDIX

SIC 20 FOOD AND KINDRED PRODUCTS

A. E. Staley Manufacturing Co.
Adolph Coors Company
American Brands, Inc.
American Crystal Sugar Co.
American Home Products Corp.
American Maize Products Co.
Ampco Foods, Inc.
Amstar Corporation
Anderson Clayton
Anheuser-Busch, Inc.
Archer Daniels Midland Company
Beatrice Foods Co.
Borden, Inc.
California & Hawaiian Sugar Co.
California Canners & Growers, Inc.
Campbell Soup Company
Cargill, Inc.
Carnation Company
Castle & Cooke, Inc.
Central Soya Co., Inc.
Coca Cola Company
Conagra, Inc.
Consolidated Foods Corporation
Continental Grain Company
CPC International, Inc.
Curtice-Burns, Inc.
Dawson Mills, Inc.
Del Monte Corporation
Dillion Companies, Inc.
Dubuque Packing Company
Eli Lilly & Company
Entenmann's, Inc.
Farmland Industries, Inc.
Federal Company
Flowers Industries, Inc.
Foremost-McKesson, Inc.
General Foods Corporation
General Mills, Inc.
Geo. A. Hormel & Co.
Gerber Products Company
Gold Kist, Inc.
Great A. & P. Tea Co., Inc.
H. J. Heinz Company
Henkel Corporation
Hershey Foods Corporation
Heublein, Inc.
Holly Sugar Corporation
Hunt Intl. Resources Corp.
IC Industries, Inc.
Interstate Brands Corporation
Iowa Beef Processors, Inc.
ITT Continental Baking Company
J. R. Simplot Company
Jim Walter Corporation
Jos. Schlitz Brewing Company
Joseph E. Seagram & Sons, Inc.
Keebler Company
Kellogg Company
Kraft, Inc.
Ladish Malting Co.
Lauhoff Grain Company
Lever Brothers Company
Liggett Group, Inc.
Lykes Bros, Inc.
MBPXL Corporation
Michigan Sugar Company
Monitor Sugar Company
Moorman Manufacturing Company
National Starch & Chemical Corp.
*Natl. Distillers & Chemical Corp.
Nestle Enterprises, Inc.
Norton Simon, Inc.
Olympia Brewing Company
Oscar Mayer & Co.
Pabst Brewing Company
Pepsico, Inc.
Perdue, Inc.
Philip Morris, Incorporated
Pillsbury Company
Procter & Gamble Co.
PVO International, Inc.
Quaker Oats Company
R. J. Reynolds Industries, Inc.
R. T. French Company
Ralston Purina Co.
Rapid American Corporation
Rath Packing Company
Riceland Foods, Inc.
Safeway Stores, Incorporated
SCM Corporation
Standard Brands, Incorporated
Stokely-Van Camp, Inc.
Swift & Company
Thomas J. Lipton, Inc.
Twin City Foods, Inc.
U. & D. I., Incorporated
United Brands Company
Universal Foods Corporation

SIC 21 TOBACCO PRODUCTS

American Brands, Inc.
Brown & Williamson Tobacco Corp.
Gulf & Western Industries, Inc.
Philip Morris, Incorporated

SIC 22 TEXTILE MILL PRODUCTS

Abney Mills, Inc.
American Hoechst Corporation
American Thread Company
Armstrong Cork Company
Avondale Mills, Inc.
Badische Corporation
Bibb Company
Borden, Inc.
Burlington Industries, Inc.
Cannon Mills Company
Coats & Clark, Inc.
Colgate Palmolive Company
Collins & Aikman Corporation
Cone Mills Corporation
Cranston Print Works Company
Crompton Company, Inc.
Dan River, Inc.
Dixie Yarns, Inc.
Fieldcrest Mills, Inc.
General Tire & Rubber Co.
Goodyear Tire & Rubber Co.
Graniteville Company
Greenwood Mills, Inc.
Gulf & Western Industries, Inc.
Hanes Corporation
High Voltage Engineering Corp.
J. P. Stevens & Co., Inc.
Johnson & Johnson International, Inc.
Milliken & Company
Mohasco Corporation
Northwest Industries, Inc.
Reeves Brothers, Inc.
Riegel Textile Corporation
Spartan Mills, Inc.
Sperry & Hutchinson Co.
Springs Mills, Inc.
Standard Oil Company (Indiana)
Standard-Coosa-Thatcher Co.
Texfi Industries, Inc.
Thomaston Mills, Inc.
Ti-Caro, Inc.
Trend Company
Union Underwear Company, Inc.
United Merchants & Manufacturers, Inc.
West Point-Pepperell, Inc.

SIC 23 APPAREL AND OTHER TEXTILE PRODUCTS

No companies.

SIC 24 LUMBER AND WOOD PRODUCTS

Bendix Corporation
Boise Cascade Corporation
Champion International Corp.
Evans Products Company
Georgia-Pacific Corporation
Jim Walter Corporation
Koppers Company, Inc.
Louisiana-Pacific Corporation
MacMillan Bloedel, Inc.
Masonite Corporation
Owens-Corning Fiberglas Corp.
Potlatch Corporation
Southwest Forest Industries
Time, Inc.
Weyerhaeuser Company
Willamette Industries, Inc.

SIC 25 FURNITURE AND FIXTURES

Roper Corporation
Time, Inc.

SIC 26 PAPER AND ALLIED PRODUCTS

Abitibi Corporation
Abitibi Southern Corporation
Alton Box Board Company
American Can Company
American Home Products Corp.
Appleton Papers, Inc.
Armstrong Cork Company
Bell Fibre Products Corp.
Bird & Son, Inc.
Blandin Paper Company
Boise Cascade Corporation
Bowater Incorporated
Champion International Corp.
Chesapeake Corporation
Clevepak Corporation
Collins & Aikman Corporation
Consolidated Papers, Inc.
Continental Group, Inc.
Dexter Corporation
Erving Paper Mills, Inc.
Federal Paper Board Co., Inc.
Finch Pruyn & Co., Inc.
Flintkote Company
Fraser Paper, Limited
GAF Corporation
Gardern State Co., Inc.
Georgia-Pacific Corporation
Gilman Paper Company
Great Northern Nekoosa Corp.
Gulf & Western Industries, Inc.
Gulf States Paper Corp.
Hammermill Paper Company
Hudson Pulp & Paper Corp.
International Paper Company
Interstate Paper Corporation
James River Corporation of Va.
Jim Walter Corporation
Johns-Manville Sales Corp.
Johnson & Johnson International, Inc.
Keyes Fibre Co.
Litton Industries, Inc.
Longview Fibre Company
Louisiana-Pacific Corporation
MacMillan Bloedel, Inc.
Masonite Corporation
Mead Corporation
Menasha Paperboard Mill
Minnesota Mining & Mfg. Co.
Mobil Oil Corporation
National Gypsum Company
Owens-Illionis, Inc.
P. H. Glatfelter Co.
Pineville Kraft Corporation
Port Huron Paper Company
Potlatch Corporation

* Energy consumption was less than one trillion Btu's in 1977 when feedstocks were excluded.

Proctor & Gamble Co.
SCM Corporation
Scott Paper Company
Simpson Paper Company
Southwest Forest Industries, Inc.
Stone Container Corporation
Tenneco, Inc.
Time, Inc.
Times Mirror Company
Union Camp Corporation
United States Gypsum Company
Wausau Paper Mills Company
Westvaco Corporation
Weyerhaeuser Company
Willamette Industries, Inc.

SIC 27 PRINTING AND PUBLISHING

R. R. Donnelley & Sons Company

SIC 28 CHEMICALS AND ALLIED PRODUCTS

Abbott Laboratories, Inc.
Agrico Chemical Company
Air Products & Chemicals, Inc.
Akzona, Inc.
Alcon Laboratories, Inc.
Allegheny Ludlum Industries, Inc.
Allied Chemical Corporation
Aluminum Company of America
American Can Company
American Cyanamid Company
American Hoechst Corporation
American Home Products Corp.
American Petrofina, Inc.
American Synthetic Rubber Corp.
Arizona Chemical Company
Asarco, Incorporated
Ashland Oil, Inc.
Atlantic Richfield Company
Avtex Fiber, Inc.
B. F. Goodrich Company
Badische Corporation
BASF Wyandotte Corporation
Bordern, Inc.
Borg-Warner Corporation
Bristol-Myers Company
C. F. Industries, Inc.
Cabot Corporation
Cargill, Inc.
Celanese Corporation
Ciba-Geigy Corporation
Cities Service Company
Coastal States Corporation
Columbia Nitrogen Corporation
Cominco American, Incorporated
Commonwealth Oil Refining Co.
Continental Oil Company
Copolymer Rubber & Chem. Corp.
Dart Industries, Inc.
Diamond Crystal Salt Company
Diamond Shamrock Corporation
Dow Chemical Company
Dow Corning Corporation
E. I. du Pont de Nemours & Co.
Eagle Picher Industries, Inc.
Eastman Kodak Company
El Paso Products Company
Eli Lilly & Company
Emery Industries, Inc.
Ethyl Corporation
Exxon Company, U.S.A.
Farmland Industries, Inc.
Firestone Tire & Rubber Co.
First Mississippi Corporation
FMC Corporation
Freeport Minerals Company
GAF Corporation
Gardinier Big River, Inc.
General Electric Company
General Tire & Rubber Co.
Georgia-Pacific Corporation
Getty Chemical Company
Goodyear Tire & Rubber Co.
Gulf & Western Industries, Inc.
Gulf Oil Corporation
Gulf Resources & Chemical Corp.
Hawkeye Chemical Company
Henkel Corporation
Hercules, Incorporated
Hoffmann-La Roche, Inc.
ICI Americas, Inc.
International Minerals & Chemical Corp.
J. R. Simplot Company
Johnson-Johnson
Kaiser Aluminum & Chemical Corp.
Knoll Pharmaceutical Co.
Koppers Company, Inc.
Kraft, Inc.
Lever Brothers Company
Linden Chemicals & Plastics, Inc.
Lubrizol Corporation
Mallinckrodt, Inc.
Martin Marietta Corporation
Melamine Chemicals, Inc.
Merck & Co., Inc.
Merichem Company
Miles Laboratories, Inc.
Minnesota Mining & Mfg., Co.
Mississippi Chemical Corp.
Mobay Chemical Corporation
Mobil Oil Corporation
Monsanto Company
Morton-Norwich Products, Inc.
Nalco Chemical Company
National Distillers & Chemical Corp.
Nipro, Inc.
NL Industries, Inc.
Northern Natural Gas Company
Northwest Industries, Inc.
Olin Corporation
Oxirane Corporation
Pfizer, Inc.
Phillips Petroleum Company
PPG Industries, Inc.
PQ Corporation
Procter & Gamble Co.
Publicker Industries, Inc.
PVO International, Inc.
Quaker Oats Company
Rangaire Corporation
Reilly Tar & Chemical Corp.
Reynolds Metals Company
Rhone-Poulenc, Inc.
Richardson-Merrell, Inc.
Rohn & Haas Company
SCM Corporation
Shell Oil Company
Sherex Chemical Company
Sherwin-Williams Company
Signal Companies, Inc.
Soltex Polymer Corporation
Squibb Corporation
Standard Oil Company
Standard Oil Company (Indiana)
Standard Oil Company of California
Stauffer Chemical Company
Sterling Drug, Inc.
Superior Oil Company
Tenneco, Inc.
Terra Chemicals International, Inc.
Texaco, Inc.
Texas Gulf, Inc.
Union Camp Corporation
Union Carbide Corporation
Union Oil Company of California
Uniroyal, Inc.
United States Borax & Chem., Corp.
United States Steel Corp.
Upjohn Company
Valley Nitrogen Producers, Inc.
Vulcan Material Company
W. R. Grace & Co.
Warner-Lambert Company
Westivaco Corporation
Willamette Industries, Inc.

Witco Chemical Corporation

SIC 29 PETROLEUM AND COAL PRODUCTS

American Home Products Corp.
American Petrofina, Inc.
Ashland Oil, Inc.
Atlantic Richfield Company
Beacon Oil Company
Belridge Oil Company
Bird & Son, Inc.
Certainteed Corporation
Champlin Petroleum Co.
Charter International Oil Co.
Cities Service Company
Clark Oil & Refining Corp.
Coastal States Gas Corporation
Commonwealth Oil Refining Co.
Continental Oil Company
Crown Central Petroleum Corp.
Crystal Oil Company
Diamond Shamrock Corporation
Energy Cooperative, Inc.
Exxon Company, U.S.A.
Farmers Union Central Exchange, Inc.
Farmland Industries, Inc.
GAF Corporation
Getty Refining & Marketing Company
Great Lakes Carbon Corporation
Guam Oil G. Refining Co., Inc.
Gulf Oil Corporation
Holly Corp.
Hunt Oil Company
Husky Oil Company
Jim Walter Corporation
Johns-Manville Sales Corp.
Kern County Refinery, Inc.
Koppers Company, Inc.
Louisiana Land & Exploration Co.
Marathon Oil Company
Mobil Oil Corporation
Murphy Oil Corporation
National Coop Refinery Association, Inc.
Owens-Corning Fiberglas Corp.
Pacific Resources, Inc.
Petrolite Corp.
Phillips Petroleum Company
Powerine Oil Company
Pride Refining, Inc.
Quaker State Oil Refining Corp.
R. J. Reynolds Industries, Inc.
Rock Island Refining Corp.
Shell Oil Company
Southland Oil Company
Standard Oil Company
Standard Oil Company (Indiana)
Standard Oil Company of California
Standard Products Co.
Superior Oil Company
Tenneco, Inc.
Texaco, Inc.
Time Oil Company
Tosco Corporation
Union Oil Company of California
Uniroyal, Inc.
* United Refining Company
Vickers Petroleum Corporation
Winston Refining Company
Witco Chemical Corporation

SIC 30 RUBBER, MISC. PLASTICS PRODUCTS

Amerace Corporation
American Cyanamid Company
Armstrong Rubber
B. F. Goodrich Company
Budd Company
Colgate-Palmolive Company
Continental Group, Inc.
Cooper Tire & Rubber Company
Dart Industries, Inc.
Dayco Corporation
Eagle Picher Industries Co.
Ethyl Corporation
Firestone Tire & Rubber Co.
Gates Rubber Company
General Electric Company
General Motors Corporation
General Tire & Rubber Co.
Goodyear Tire & Rubber Co.
High Voltage Engineering Corp.
Michelin Tire Corporation
Minnesota Mining & Mfg. Co.
Mobay Chemical Corporation
Rhone-Plulenc, Inc.
Roper Corporation
Union Carbide Corporation
Uniroyal, Inc.
W. R. Grace & Co.
Westinghouse Electric Corp.

SIC 31 LEATHER AND LEATHER PRODUCTS

Roper Corporation

SIC. 32 STONE, CLAY AND GLASS PRODUCTS

Adolph Coors Company
AFG Industries, Inc.
Amcord, Inc.
Amsted Industries, Incorporated
Anchor Hocking Corporation
Arkansas Louisiana Gas Company
Armco, Inc.
Armstrong Cork Company
Ash Grove Cement Company
Babcock & Wilcox Company
Ball Corporation
Basic, Incorporated
Belden Brick Company
Bethlehem Steel Corporation
Bickerstaff Clay Products Co., Inc.
Boren Clay Products Company
Brockway Glass Company, Inc.
Can-Am Corporation
Capitol Aggregates, Inc.
Centex Corporation
CertainTeed Corporation
CLM Corporation
Combustion Engineering, Inc.
Crane Co.
Dart Industries, Inc.
Delta Macon Brick & Tile Co.
Dickey Company
Dorsey Corporation
Eagle Picher Industries, Inc.
Edw. C. Levy Company
Eltra Corporation
Federal Paper Board Co., Inc.
Filtrol Corporation
Flintkote Company
Ford Motor Company
GAF Corporation
General Telephone & Electronic Corp.
General Dynamics
General Electric Company
General Shale Products Corp.
Georgia-Pacific Corporation
Giant Portland & Masonry Cement Co.
Gifford-Hill & Company, Inc.
Glen-Gery Corporation
Glenshaw Glass Company, Inc.
Guardian Industries Corp.
Gulf & Western Industries, Inc.
Harsco Corporation
Ideal Basic Industries, Inc.
Illinois Cement Company
J. E. Baker Company
Jim Walter Corporation
Johns-Manville Sales Corp.
Justin Industries, Inc.
Kaiser Aluminum & Chemical Corp.
Kaiser Cement & Gypsum Corp.
Kennecott Copper Corporation

* Energy consumption was less than one trillion Btu's in 1977 when feedstocks were excluded.

Kerr Glass Manufacturing Corp.
Keystone Portland Cement Co.
Kohler Company
Kraft, Inc.
Lancaster Colony Corporation
Latchford Glass Company
Lehigh Portland Cement Company
Liberty Glass Company
Martin Marietta Corporation
McDonough Co.
Minnesota Mining & Manufacturing Co.
Mississippi Lime Company
Missouri Portland Cement Co.
Monarch Cement Company
National Bottle Manufacturing Company
National Can Corporation
National Cement Company
National Gypsum Company
Nevada Cement Company
Newmont Mining Corporation
Northwestern States Portland Cement Co.
Norton Company
Norton Simon, Inc.
Oregon Portland Cement Company
Owens-Corning Fiberglas Corp.
Owens-Illinois, Inc.
Penn-Dixie Industries, Inc.
Pfizer, Inc.
Portland Cement Co. of Utah
PPG Industries, Inc.
Raybestos Manhattan, Inc.
Republic Steel Corp.
Rockwool Industries, Inc.
Solite Corporation
Southdown, Inc.
St. Clair Lime Company
Texas Industries, Inc.
United States Gypsum Company
United States Steel Corp.
Vulcan Materials Company
Warner Company
Weyerhaeuser Company
Whitehall Cement Manufacturing Co.

SIC. 33 PRIMARY METAL INDUSTRIES

Alcan Aluminum Corporation
Allegheny Ludlum Industries, Inc.
Allied Chemical Corporation
Aluminum Company of America
Amax, Inc.
American Can Company
American Cast Iron Pipe Co.
American Home Products Corp.
American Telephone & Telegraph Co.
Amsted Industries, Incorporated
Armco, Inc.
Asarco, Incorporated
Atlantic Richfield Company
Atlantic Steel Company
Babcock & Wilcox Company
Bethlehem Steel Corporation
Budd Company
Cargill, Inc.
Carpenter Technology Corp.
Caterpillar Tractor Co.
Ceco Corp.
Century Brass Products, Inc.
Chromium Mining & Smelting Corp.
Clow Corporation
Colt Industries, Inc.
Connors Steel Company
Consolidated Aluminum Corp.
Crane Company
Cyprus Mines Corporation
Dayton Malleable, Inc.
Dow Chemical Company
Eaton Corp.
Ethyl Corporation
Evans Products Company
Florida Steel Corporation
Ford Motor Company
General Cable Corporation
General Electric Company
General Motors Corporation
Great Lakes Carbon Corporation
Grede Foundries, Inc.
Gulf & Western Industries, Inc.
Gulf Resources & Chemical Corp.
Hayes-Albion Corp.
IC Industries, Inc.
Inland Steel Company
Interlake, Inc.
International Minerals & Chemical Corp.
Jim Walter Corporation
Jones & Laughlin Steel Company
Kaiser Aluminum & Chemical Corp.
Kaiser Steel Corporation
Kennecott Copper Corporation
Keystone Consolidated Industries, Inc.
Koppers Company, Inc.
Korf Industries, Inc.
Laclede Steel Company
Louisiana Land & Exploration Co.
Lukens Steel Company
Martin Industries
Martin Marietta Corporation
McLouth Steel Corporation
Mead Corporation
Midland-Ross Corporation
National Steel Corporation
National-Standard Company
National Distillers & Chemical Corp.
Newmont Mining Corporation
NL Industries, Inc.
Noranda Aluminum, Inc.
Northwest Industries, Inc.
Northwestern Steel & Wire Co.
Ohio Ferro-Alloys Corporation
Olin Corporation
Pacific States Steel Corp.
Pechiney Ugine Kuhlmann Corp.
Phelps Dodge Corporation
Phoenix Steel Corporation
Quanex Corporation
Republic Steel Corp.
Revere Copper & Brass, Inc.
Reynolds Metals Company
Roane Electric Furnace Co., Inc.
Shenango, Incorporated
Sundstrand Corporation
Teledyne, Inc.
Timken Company
Union Carbide Corporation
United States Steel Corp.
United Technologies Corp.
Vulcan Materials Company
Wean United, Inc.
Wheeling Pittsburgh Steel Corp.
White Consolidated Industries, Inc.

SIC 34 FABRICATED METAL PRODUCTS

Adolph Coors Company
Allegheny Ludlum Industries, Inc.
Aluminum Company of America
American Can Company
American Home Products Corp.
Amsted Industries, Incorporated
Babcock & Wilcox Company
Bethlehem Steel Corporation
Budd Company
Cameron Iron Works, Inc.
Century Brass Products, Inc.
Chrysler Corporation
Combustion Engineering, Inc.
Continental Group, Inc.
Crown Cork & Seal Company, Inc.
E. I. du Pont de Nemours & Co.
Ford Motor Company
General Motors Corporation
Gulf & Western Industries, Inc.
Harsco Corporation
Inland Steel Company
Kaiser Aluminum & Chemical Corp.
Keystone Consolidated Industries, Inc.

Kohler Company
Ladish Co.
Martin Marietta Corporation
Moorman Mfg. Co.
National Can Corporation
National Steel Corporation
NL Industries, Inc.
Olin Corporation
Raybestos Manhattan, Inc.
Reynolds Metals Company
Rockwell International Corporation
Roper Corporation
Signal Companies, Inc.
Stanley Works, Inc.
Stokely-Van Camp, Inc.
Sundstrand Corporation
TRW, Inc.
United States Steel Corp.
Wyman-Gordon Company

SIC 35 MACHINERY, EXCEPT ELECTRICAL

American Home Products Corp.
Borg-Warner Corporation
Briggs & Stratton Corporation
Caterpillar Tractor Co.
Chrysler Corporation
Clark Equipment Company
Colt Industries, Inc.
Cummins Engine Company, Inc.
Deere & Company
Eaton Corp.
Emhart Corporation
FMC Corporation
Ford Motor Company
General Electric Company
General Motors Corporation
Harnischfeger Corporation
International Business Machines Corporation
IC Industries, Inc.
Ingersoll-Rand Company
International Harvester Company
Litton Industries, Inc.
Mobay Chemical Corporation
Raybestos Manhattan, Inc.
Rockwell International Corporation
Roper Corporation
Sperry Rand Corporation
Sundstrand Corporation
Teledyne, Inc.
Tenneco, Inc.
Timken Company
Trane Co.
TRW, Inc.
Westinghouse Electric Corp.
White Consolidated Industries, Inc.

SIC 36 ELECTRIC, ELECTRONIC EQUIPMENT

A. O. Smith Corporation
American Telephone & Telegraph Co.
Emerson Electric Co.
General Telephone & Electronic Corp.
General Cable Corporation
General Electric Company
General Motors Corporation
Great Lakes Carbon Corporation
High Voltage Engineering Corp.
Hughes Aircraft Company
Johnson Controls, Inc.
Raytheon Company
Rockwell International Corporation
Roper Corporation
Union Carbide Corporation
Westinghouse Electric Corp.
Whirlpool Corporation
White Consolidated Industries, Inc.

SIC 37 TRANSPORTATION EQUIPMENT

A. O. Smith Corporation
American Motors Corporation
AMF, Incorporated
Avco Corporation
Bendix Corporation
Bethlehem Steel Corporation
Boeing Company
Borg-Warner Corporation
Budd Company
Chryler Corporation
Eaton Corp.
Ford Motor Company
General Dynamics
General Electric Company
General Motors Corporation
Goodyear Tire & Rubber Co.
Grumman Corporation
Hercules, Incorporated
Hughes Aircraft Company
International Harvester Company
Litton Industries, Inc.
Lockheed Corporation
Martin Marietta Corporation
McDonnell Douglas Crop.
Northrop Corporation
Rockwell International Corporation
Roper Corporation
Signal Companies, Inc.
Sundstrand Corporation
Tenneco, Inc.
TRW, Inc.
United Technologies Corp.
Vought Corporation

SIC 38 INSTRUMENTS AND RELATED PRODUCTS

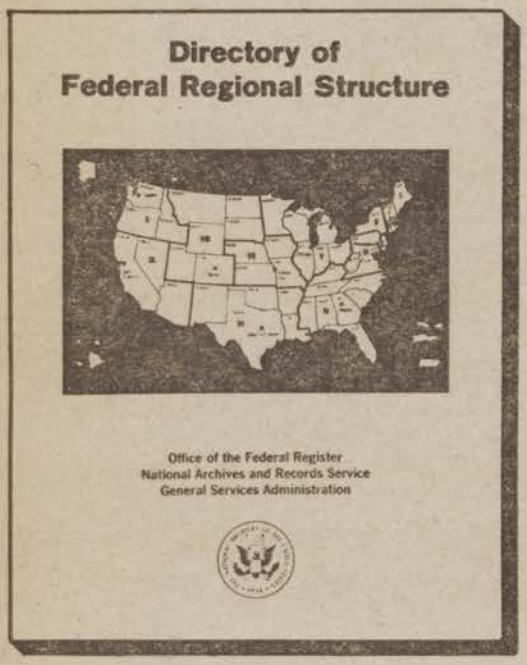
American Home Products Corp.
Eastman Kodak Company
Gaf Corporation
Johnson & Johnson International, Inc.
Johnson Controls, Inc.
Minnesota Mining & Manufacturing Co.
Polaroid Corporation
Roper Corporation
Sundstrand Corporation
Warner-Lambert Company

SIC 39 MISCELLANEOUS MANUFACTURING INDUSTRIES

Armstrong Cork Company

[FR Doc. 79-4607 Filed 2-8-79; 8:45 am]

ORDER NOW!



Directory of Federal Regional Structure

[Revised as of May 1, 1978]

The Directory serves as a guide to the regional administrative structure of the departments and agencies of the Federal Government.

Designed to provide the public with practical information about regional offices, the Directory is particularly useful to citizens residing outside the Nation's Capital.

Included in the Directory is a map showing the 10 standard Federal regions followed by tables listing the key personnel, addresses, and telephone numbers for agencies with offices in those regions. In addition, maps and tables are provided for those agencies with regional structures other than that of the standard regional system.

Price: $2.30

Compiled by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

MAIL ORDER FORM To:

Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

Enclosed find $_____ (check, money order).

Please send me _____ copies of Directory of Federal Regional Structure, at $2.30 per copy.

Stock No. 022-003-00949-3

Please charge this order to my Deposit Account No. _____

Name _____

Street address _____

City and State _____ ZIP Code _____

FOR USE OF SUPT. DOCS.	
Quantity	Charges
Mailed ____	____
To Mail Later ____	____
Sub ____	____
Refund ____	____
Postage ____	____
Handling ____	____

FOR PROMPT SHIPMENT, PLEASE **PRINT OR TYPE** ADDRESS ON LABEL BELOW INCLUDING **YOUR ZIP CODE**

U.S. GOVERNMENT PRINTING OFFICE
SUPERINTENDENT OF DOCUMENTS
WASHINGTON, D.C. 20402

OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE, $300

Name _____

Street address _____

City and State _____ ZIP Code _____

POSTAGE AND FEES PAID
U.S. GOVERNMENT PRINTING OFFICE
375
SPECIAL FOURTH-CLASS RATE
BOOK

Vol. 44—No. 30
2-12-79
BOOK 2:
PAGES
9051-9365

federal register

BOOK 2 OF 2 BOOKS
MONDAY, FEBRUARY 12, 1979
PART V

DEPARTMENT OF ENERGY

Economic Regulatory Administration

■

POWERPLANT AND INDUSTRIAL FUEL USE ACT OF 1978

Proposed Forms for Petitioning for Exemptions; Request for Comment

[6450-01-M]

DEPARTMENT OF ENERGY

Economic Regulatory Administration

PROPOSED FORMS FOR THE PETITIONING FOR EXEMPTIONS FROM THE PROHIBITIONS OF THE POWERPLANT AND INDUSTRIAL FUEL USE ACT OF 1978

Request for Public Comment

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Notice of Request for Public Comment on the following Economic Regulatory Administration (ERA) Forms:

General Form for New Powerplant Exemption Petition (ERA—301A)
General Form for New Installation Exemption Petition (ERA-301B)
Temporary Exemption for Future Use of Synthetic Fuels for New Powerplants and New Installations (ERA-302)
Temporary Public Interest Exemption for New Powerplants and New Installations (ERA-303)
Exemption Due to a Lack of Alternate Fuel for New Powerplants and New Installations (ERA-303)
Temporary and Permanent Site Limitation Exemption for New Powerplants and New Installations (ERA-305)
Exemption Due to an Inability to Comply with Applicable Environmental Requirements (ERA-306)
Permanent Exemption for Inability to Obtain Adequate Capital (ERA-307)
Permanent Exemption for New Powerplants and New Installations due to Certain State or Local Requirements (ERA-308)
Permanent Exemption for Cogeneration for New Powerplants and New Installations (ERA-309)
Permanent Exemption for Fuel Mixtures for New Powerplants and New Installations (ERA-310)
Permanent Exemption for Emergency Purposes for New Powerplants and New Installations (ERA-311)
Permanent Exemption for New Powerplants Necessary to Maintain Reliability of Service (ERA-312)
Permanent Exemption for Peakload Powerplants (ERA-313)
Permanent Exemption for Exemption for Intermediate Load Powerplants (ERA-314)
Permanent Exemption for New Installations Necessary to Meet Scheduled Outages (ERA-315)
Temporary Public Interest Exemption for Use of Natural Gas by Existing Powerplants (ERA-316)
Schedule A—General and Special Cost Tests for New Powerplants (ERA-317)
Schedule B—General and Special Cost Tests for New Installations (ERA-318)
Schedule C—No Alternative Power Supply (ERA-319)
Schedule D—Use of Fuel Mixtures (ERA-320)
Schedule E—General Requirement for Alternative Sites (Powerplants) (ERA-321)

SUMMARY: In preparation for the implementation of the Powerplant and Industrial Fuel Use Act of 1978 (FUA), the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) has developed forms for use in petitioning ERA for exemptions from the prohibitions of FUA. Potential Petitioners, interested parties and members of the public are invited to submit comments on the proposed forms which are reproduced herein.

DATES: Comments received not later than March 2, 1979, will be given full consideration.

ADDRESSES: All comments to: Robert C. Gillette, Department of Energy, Economic Regulatory Administration, ERA Docket ERA-R-79-4, 2000 M Street, NW., Room 2313, Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

Alfred C. Metz, Department of Energy, Economic Regulatory Administration, Office of Fuels Regulation, Room 7219C, 2000 M Street, NW., Washington, D.C. 20461 (202) 254-5436.

SUPPLEMENTARY INFORMATION:

I. Background.
II. Comments Invited on Proposed Forms.
III. Comment Procedure.

I. Background

In the Proposed Rules for Implementation of the Powerplant and Industrial Fuel Use Act of 978 (FUA) (43 FR 53974, November 17, 1978), ERA stated that proposed forms which must be submitted as part of a petition for exemption from any of the prohibitions of FUA, and any other forms, will be published in the Federal Register and public comments solicited.

The proposed forms reproduced herein are: (a) General Forms for New Powerplants and New Installations which serve to identify the petitioning company and facility and provide information required by FRA that is common to all types of exemptions, (b) forms for each exemption, and (c) schedules which are designed to provide in a specific format certain data required in the Fuels Decision Report. (The Fuels Decision Report was discussed in the above cited Federal Register Notice.)

Under the Federal Reports Act, the ERA Forms must be approved by the Office of Management and Budget (OMP). As a part of the approval process, ERA hereby solicits comments concerning these forms. An advance copy of the forms will be forwarded to OME concurrently with the publication of this Federal Register Notice. Comments submitteed to EPA concerning the proposed forms will be considered by ERA and also forwarded to OMB for use in its considerations.

II. Comments Invited on Proposed Forms

Review comments should address the following areas of concern:

- Is the overall layout and general format of the forms easy to understand and follow?
- How many person-hours will be required to provide the information required for submitting a petition?
- What is your estimate of the cost to your firm for completing and submitting the proposed forms?
- Are the instructions for the forms clear? Which instructions should be clarified or expanded?
- Are the units of measure specified in the forms consistent with those generally used by your firm for recordkeeping purposes?

ERA is cognizant of the burden that the filing of a petition for exemption from the prohibitions of FUA imposes on the petitioner. These proposed forms were designed with the intent to minimize the complexities of the petitioning process by providing specific outlines of the data required by ERA for each type of exemption. ERA encourages potential respondents to submit comments that will help us to develop comprehensive petitioning forms and at the same time fulfill our common objective of facilitating the petitioning process.

III. Comment Procedure

You are invited to participate in the development of Petitioning Forms by submitting your views or arguments, suggestions, and ideas with respect to the proposed forms reproduced in this Notice. Written comments should be submitted to the address indicated in the "ADDRESSES" section of this Notice and should be identified on the outside envelope and on documents submitted with the designation "FUA—Docket No. ERA-R-79-4. All comments received will be available for public inspection in the DOE Reading Room, Room GA-152, Forrestal Building, 1000 Independence Avenue, S.W. between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

You should identify separately any information or data you consider to be confidential and submit it in writing, one copy only. We reserve the right to determine the confidential status of the information or data and to treat it according to our determination.

Issued at Washington, D.C. on January 31, 1979.

David J. Bardin,
Administrator, Economic Regulatory Administration.

ERA-

Form Approved
OMB No.

U.S. DEPARTMENT OF ENERGY
Washington, D.C. 20461

GENERAL FORM FOR NEW POWERPLANT EXEMPTION PETITION

DRAFT

This General Form for Exemption Petition must accompany all Petitions for Temporary or Permanent Exemption(s).

A separate General Form must be submitted for each unit for which you are seeking an exemption.

1.0 IDENTIFICATION INFORMATION

What is the name, mailing address, city, state and zip code for the Facility, the Operating Company and the Parent company ?

1.1 Facility Information (Site)

DOE USE ONLY

(a) _____
Name of unit

(b) _____
Generating Station

(c) _____
Address

(d) _____
City, State, Zip Code

DOE USE ONLY

(e) _____
County

(f) _____
Unit Identification

1.2 Utility Company

DOE USE ONLY

(a) _____
Name

(b) _____
Address

(c) _____
City, State, Zip Code

1.3 Parent Company or Holding Company (Complete if applicable)

DOE USE ONLY

(a) _____
Name

(b) _____
Address

(c) _____
City, State, Zip Code

1.4 Enter the name of the person in your company to whom questions regarding this petition may be directed:

(a) _____
Name

(b) _____
Title

(c) _____
Address

(d) _____
City, State, Zip

(e) ( )
Telephone

ERA-301A Page 1

2.0 FACILITY INFORMATION

2.1 What type of Utility is this?

(a) ☐ Investor Owned
(b) ☐ Cooperative
(c) ☐ Federal
(d) ☐ State
(e) ☐ Municipal
(f) ☐ Other _____

2.2 In what electric region are you located? (See instructions for coding.)

(a) ☐ APS
(b) ☐ AEP
(c) ☐ NEPOOL
(d) ☐ NYPP
(e) ☐ PJM
(f) ☐ CEC
(g) ☐ FCG
(h) ☐ MSU
(i) ☐ SC
(j) ☐ GSG
(k) ☐ TVA
(l) ☐ VACAR
(m) ☐ CAPCO
(n) ☐ CCD
(o) ☐ KG
(p) ☐ IG
(q) ☐ ILLMO
(r) ☐ MECS
(s) ☐ WUMS
(t) ☐ MAPP
(u) ☐ MOKAN
(v) ☐ OG
(w) ☐ TIS
(x) ☐ RMPP
(y) ☐ NWPP
(z) ☐ A/NMG
(a') ☐ SCNV
(b') ☐ NCNV
(c') ☐ AK

2.3 Indicate to which Statutory Prohibition this Petition pertains:

(a) ☐ Prohibition of the use of petroleum or natural gas as a primary energy source.

(b) ☐ Prohibition of the construction of an electrical powerplant without the capability to use an alternate fuel as a primary energy source.

2.4 What is the type of unit you are seeking an exemption for:

(a) ☐ Boiler (b) ☐ Combustion Turbine (c) ☐ Combined Cycle

2.5 What is the design capacity of your new Unit?

(a) _____ MMBTU's/Hour Heat Input Rate
(b) _____ Megawatts Output
(c) (If a boiler) _____ Pounds of Steam Per Hour

2.6 Are there other electric generating units at the site of this new unit which individually have a design heat input capacity of 50 million BTU's per hour, or greater?

(a) ☐ Yes...Answer 2.7 (b) ☐ No...Skip to 2.8

2.7 What is the total design heat input capacity at the site (counting the new unit and those other units considered in Question 2.6 above)?

_____ MMBTU's per hour.

2.8 Have you filed a petition with ERA for classification of this Unit as "EXISTING?"

(a) ☐ Yes...What is the Docket Number? _____ (b) ☐ No...Answer 2.9

ERA-301A Page 2

2.9 Indicate the appropriate classification for your filing as a New Powerplant:

(a) ☐ As of April 20, 1977, unit was not operational

(b) ☐ Since April 20, 1977, unit has been either reconstructed or added to, and the cost of such reconstruction, refurbishment, or addition equals or exceeds 50% of the price of a replacement unit..

(c) ☐ Since November 9, 1978, unit was moved from one site to another.

2.10 Indicate the status of development for this unit be placing an "X" in the milestones accomplished as of the date of this Petition.

(a) ☐ Conceptual Stage
(b) ☐ Planning Stage
(c) ☐ Preliminary Design Stage
(d) ☐ Final Design Stage
(e) ☐ Proposals Requested
(f) ☐ Contract Executed
(g) ☐ Construction Started
(h) ☐ Construction Completed
(i) ☐ Unit Operational

2.11.1 What is the date the unit became operational or the date it is projected to become operational? _____

3.0 EXEMPTION INFORMATION

Place an "X" in the appropriate box(es) to indicate the type of exemption(s) you are petitioning for. If you have previously submitted a petition for exemption(s) for this unit, enter the docket number in the space provided.

3.1 Temporary exemptions for new installations

Type of Exemption	Docket Number
(a) ☐ Lack of alternate fuel supply.....	_____
(b) ☐ Site limitations.....	_____
(c) ☐ Inability to comply with applicable environmental requirements.....	_____
(d) ☐ Future use of synthetic fuels.....	_____
(e) ☐ Public interest exemption.....	_____

3.2 Permanent exemptions for new installations

Type of Exemption	Docket Number
(a) ☐ Lack of alternate fuel supply for the first ten years of useful life.....	_____
(b) ☐ Lack of alternate fuel supply at a cost which does not substantially exceed the cost of using petroleum.....	_____
(c) ☐ Site limitations.....	_____
(d) ☐ Inability to comply with applicable environmental requirement.....	_____
(e) ☐ Inability to obtain adequate capital.....	_____
(f) ☐ State or local requirements.....	_____
(g) ☐ Cogeneration	
(h) ☐ Permanent exemption for certain fuel mixtures, containing natural gas or petroleum.....	_____
(i) ☐ Emergency purposes.....	_____
(j) ☐ Product and process requirements.....	_____
(k) ☐ Scheduled equipment outages.....	_____
(l) ☐ Intermediate load powerplant	_____

GENERAL FORM FOR NEW POWERPLANT PETITION

4.0 FUEL DATA

Complete the following information for the unit for which you are requesting an exemption

FUEL TYPE	What fuels are used or proposed to be used as a "Primary Energy Source."? (Check all fuels that apply.) Capability (a)	Proposed (b)	What is your annual estimated fuel consumption? (10 Year Average) (c)	What is the percentage of heat input required for ignition, start-up, flame stabilization and control? (10 Year Average) (d)
4.1 SOLID FUELS				
4.1.1 Coal			tons	%
4.1.2 Petroleum Coke			tons	%
4.1.3 Municipal Waste			tons	%
4.1.4 Industrial Waste			tons	%
4.1.5 Agricultural Waste			tons	%
4.1.6 Wood			tons	%
4.1.7 Solid Refinery Waste			tons	%
4.1.8 Biomass			tons	%
4.1.9 Solid Renewable Waste			tons	%
4.1.10 other:			tons	%
4.2 LIQUID FUELS				
4.2.1 Residual Oil #6			Bls	%
4.2.2 Distillate Oil #2			Bls	%
4.2.3 Synthetic Oil			Bls	%
4.2.4 Liquid Refinery Waste			Bls	%
4.2.5 Shale Oil			Bls	%
4.2.6 Crude Oil			Bls	%
4.2.7 Other:			Bls	%
4.3 GASEOUS FUELS				
4.3.1 Industrial Gas			Mcf	%
4.3.2 Synthetic Gas From Petroleum			Mcf	%
4.3.3 Synthetic Gas From Alternate Fuel			Mcf	%
4.3.4 Gaseous Refinery Waste			Mcf	%
4.3.5 Gaseous Industrial Waste			Mcf	%
4.3.6 Other:			Mcf	%
4.3.7 Other:			Mcf	%
4.3.8 Other:			Mcf	%
4.4 SOLAR				

4.5 What is the estimate annual capacity factor (10 Years) use in the calculation of (c)? _____ Percent.

ERA-301A

Page 4

5.0 SUPPORTING DOCUMENTATION INFORMATION

5.1 The following issues must be addressed in all petitions for exemptions (except as noted). Check the appropriate boxes below to indicate these issues are discussed in your Fuels Decision Report and enter the page and chapter number were appearing.

(a) Is Fluidized Bed Combustion of Coal or another alternate fuel addressed in the FDR?

(1) ☐ Yes . . . FDR Page _____ Chapter _____

(2) ☐ No . . Not applicable. Petition is for exemption base on Fuel Mixtures or Peakload Powerplant only, or is for Temporary Exemption(s) only.

(b) ☐ State Approvals for Construction and Use of this Unit are discussed in the FDR.

.... FDR Page _____ Chapter _____

(1) Are all required State Approvals listed in the FDR?

(a) ☐ Yes (b) ☐ No

(2) Have all required State Approvals been obtained?

(a) ☐ Yes (b) ☐ No

(3) Is the status of outstanding required State Approvals discussed in the FDR?

(a) ☐ Yes (b) ☐ No

5.2 You must submit the following documents in support of your petition for exemptions(s). Enter an "X" in the boxes below to indicate that the documents are attached.

(a) ☐ Transmittal Letter

(b) ☐ Fuels Decision Report (FDR)

(c) ☐ Reliability of Service Exemption Form [Required for all Permanent Exemptions]

(d) ☐ Schedule A - Cost Calculations for New Powerplants

(e) ☐ Schedule C - No Alternative Power Supply

Schedules A and C are not required if your Petition is for Exemption based on:

. . . . Cogeneration
. . . . Peakload Powerplant
. . . . . or for all Temporary Exemptions except Lack of Alternate Fuel Supply

5.2 (Continued)

(f) ☐ Schedule D - Fuel Mixtures

Not required if your Petition is for Exemption based on:

. . . . Fuel Mixtures
. . . . Peakload Powerplant

(g) ☐ Schedule E - Alternative Sites

Not required for a Petition for Temporary Exemption(s) only, or if your Petition for a Permanent Exemption is based on:

. . . . Cogeneration
. . . . Fuel Mixtures
. . . . Emergency Purposes
. . . . Reliability of Service
. . . . Peakload Powerplant

(h) ☐ Exemption Form for each exemption being petitioned for

5.3 Indicate by entering an "X" in the box below if additional (discretionary) documentation in support of your petition is attached. List the additional documents in the space provided. If no additional documentation is attached, skip to 6.0.

☐ Additional Documentation attached and listed below

(a) _____

(b) _____

(c) _____

(d) _____

(e) _____

6.0 CERTIFICATION

I certify that the information contained herein and appended hereto is true and accurate to the best of my knowledge.

Name	Title	Signature	Date
Name	Title	Signature	Date

Title 18, USC 1001, makes it a crime for any person knowingly and willingly to make to any Agency or Department of the United States any false, fictitious or fraudulent statements as to any matter within its jurisdiction.

DRAFT

INSTRUCTIONS - GENERAL FORM FOR NEW POWERPLANT EXEMPTION PETITION - ERA FORM 301A

1.0 IDENTIFICATION INFORMATION

1.1 Facility Information (Site): This information pertains to the site where your new powerplant (unit) is located.

(a) Enter the name by which the unit is identified.

(b) Enter the name of the generating station where the unit is located.

(c) Enter the street address of the facility site.

(d) Enter the City and State where the facility site is located and the ZIP code of the address.

(e) Enter the County in which the facility site is located.

(f) Enter the specific identification of the new unit. For example, Boiler #234.

1.2 Utility Company Identification: This information relates to the utility company which has the actual responsibility for the operation of the new electric powerplant. Included under the meaning of company is any individual corporation, company, partnership, association, firm, institution, society, trust, joint venture, stock company, or County, State or Federal entity.

(a) Enter the complete name of the utility company.

(b) Enter the street address of the utility company.

(c) Enter the City and State where the company is located and the ZIP code for the address.

1.3 Parent Company or Holding Company Data: Complete this section only if there is an entity which controls, wholly or partially owns, or is responsible for the operating company.

(a) Enter the name of the entity.

(b) Enter the street address of the entity.

(c) Enter the City and State where the entity is located and the ZIP code of the address.

1.4 Contact Person Identification: This information should relate to an individual who can be contacted if there are questions regarding the information contained in this petition.

(a) Enter the name of the individual.

(b) Enter the title by which the individual is identified in the company.

(c) Enter the street address of the individual.

(d) Enter the city and state where the individual is located and the ZIP code for the address.

(e) Enter the area code and the telephone number at which the individual may be reached during normal working hours.

2.0 FACILITY INFORMATION

2.1 Check the appropriate box that indicates the type of utility owning the new generating unit.

2.2 Check the Electric Region Code in which the new generating unit is located.

(a)	APS	Allegheny Power System
(b)	AEP	American Electric Power System
(c)	NEPOOL	New England Power Pool
(d)	NYPP	New York Power Pool
(e)	PJM	Pennsylvania-New Jersey-Maryland Interconnection
(f)	CEC	Commonwealth Edison Company
(g)	FCG	Florida Coordination Group
(h)	MSU	Middle South Utilities
(i)	SC	Southern Company
(j)	GSG	Gulf States Group
(k)	TVA	Tennessee Valley Authority
(l)	VACAR	Virginia-Carolina Group
(m)	CAPCO	Central Area Power Coordination Group
(n)	CCD	Cincinnati, Columbus, Dayton Group
(o)	KG	Kentucky Group
(p)	IG	Indiana Group
(q)	ILLMO	Illinois-Missouri Group
(r)	MECS	Michigan Electric Coordinated Systems
(s)	WUMS	Wisconsin-Upper Michigan Group
(t)	MAPP	Mid-Continent Area Power Pool

(u) MOKAN Missouri-Kansas Group

(v) OG Oklahoma Group

(w) TIS Texas Interconnected Systems

(x) RMPP Rocky Mountain Power Pool

(y) NWPP Northwest Power Pool

(z) A/NMG Arizona-New Mexico Group

(a') SCNV Southern California-Nevada

(b') NCNV Northern California-Nevada

(c') AK Alaska

2.3 Indicate the Statutory Prohibition under the Powerplant and Industrial Fuel Use Act of 1978 for which you are petitioning for exemption.

2.4 Check the box that indicates the type of generating unit for which you are requesting an exemption(s).

2.5 Provide the design capacities of the generating unit by:

(a) Fuel heat input rate in millions of British Thermal Units (MMBTU's) per hour.

(b) Megawatts output.

(c) If a boiler, the pounds of steam per hour output.

2.6 Indicate whether or not there are other generating units at the same site having individually a design heat input rate capacity of 50 million British Thermal Units (BTU's) per hour or greater. (Units within 10 miles of each other will be considered by ERA to be at the same site.)

2.7 If your answer to Question 2.6 is "Yes," indicate the total design heat input rate capacity per hour in millions of British Thermal Units (MMBTU's per hour) at the site. Count the unit for which this petition is being submitted and the other units at the site considered in answering Question 2.6.

2.8 Indicate whether or not you have petitioned ERA for classification of this unit as an Existing Facility. If "Yes," provide the Docket Number assigned.

2.9 Check the box that describes the basis for the classification of this unit as a New Powerplant.

2.10 As of the date of certification of this petition, indicate by checking the appropriate boxes the milestones accomplished in the construction of this powerplant:

(a) Check this block if the powerplant is at or beyond the conceptual stage.

(b) If this powerplant is at or beyond the planning stage, check this block.

(c) If at or beyond the preliminary design stage, check this block.

(d) Check this block if the powerplant is at or beyond the final design stage.

(e) If bids for the construction or purchase of this powerplant have been requested, check this block.

(f) If a contract for the construction or purchase of this powerplant has been executed, check this block.

(g) Check this block if the construction of this powerplant has started.

(h) If construction of this powerplant is completed, check this block.

(i) Check this block if the powerplant is now operational.

(Construction means substantial physical onsite construction which constitutes more than clearance of the site or installation of foundation pilings.)

2.10.1 Enter the date the powerplant became operational, or the date you expect it to become operational.

3.0 EXEMPTION INFORMATION

3.1 Check the box for each type of temporary exemption for which you are petitioning.

3.2 Check the box for each type of permanent exemption for which you are petitioning.

If you have previously petitioned ERA for an exemption(s) for this unit, enter in the space provided beside the type of exemption the Docket Number assigned by ERA.

4.0 FUEL DATA

For the unit that you are petitioning for exemption(s), provide the following fuel data:

(a) Check all fuel types that the unit is capable of burning as a Primary Energy Source.

(b) Check what fuel type(s) you propose to burn in this unit as a Primary Energy Source.

(For (a) and (b), Primary Energy Source is defined as the fuel or fuels used for normal operation, but it does not include the minimum amounts of fuel required for unit ignition, startup, testing, flame stabilization and control uses.)

(c) Provide the estimated ten year average of annual fuel consumption by fuel type.

(d) Provide by fuel type the average percent of annual heat input which you expect will be devoted to ignition, startup, testing, flame stabilization and control uses for this powerplant (unit) over a ten year period.

4.5 Provide the estimated annual capacity factor (averaged for ten years) that was used in the calculation of estimated fuel consumption in (c) above.

5.0 SUPPORTING DOCUMENTATION INFORMATION

5.1 Except as noted, certain general issues must be addressed in your Fuels Decision Report for all petitions for exemptions.

(a) Unless your petition is for an exemption(s) based on Fuel Mixtures or Peakload Powerplant only, or for temporary exemption(s) only, you must demonstrate in your Fuels Decision Report that a method of Fluidized Bed Combustion of an alternate fuel has been considered for this generating unit and that such a method is not economically or technically feasible.

(1) If discussion of Fluidized Bed Combustion is applicable, check this block to indicate it has been addressed in your Fuels Decision Report, and provide the page and chapter numbers where it appears.

(2) If you are petitioning for temporary exemption(s) only, or if your petition is for permanent exemption(s) based on Fuel Mixtures or Peakload Powerplant only, check this block.

(b) Your Fuels Decision Report must contain a description of all State approvals required in conjunction with the construction of this generating unit and their status as of the date of filing of this petition. Check this block to indicate that you have addressed State approvals in your Fuels Decision Report, citing the page and chapter number where the discussion appears. Questions (1) through (3) are intended to serve as a checklist for what should be included in your discussion of State approvals.

(1) Indicate whether or not all required State approvals are listed in the Fuels Decision Report.

(2) Indicate whether or not all required State approvals have been obtained.

(3) Indicate if the status of outstanding required State approvals are discussed.

5.2 This section serves as a guide and checklist to insure that all mandatory supporting documentation has been completed and attached to your petition.

(a) Check this box to indicate that your petition for exemption(s) is forwarded by a transmittal letter.

(b) Check this box to indicate that you have developed and attached a Fuels Decision Report.

(c) All petitions for permanent exemption must include a completed Reliability of Service Exemption Form. If your petition is for any permanent exemption, check this block to indicate that a Reliability of Service Exemption Form is attached.

(d) and (e) Schedule A (Cost Calculations for New Powerplants) and Schedule C (No Alternative Power Supply) must be attached to your petition except if you are only petitioning for:

- o An exemption based on Cogeneration or Peakload Powerplant, or
- o All temporary exemptions except Lack of Alternative Fuel Supply.

As applicable, check the boxes for (d) and (e) to indicate that Schedules A and C are attached.

(f) Schedule D (Fuel Mixtures) must be submitted except if your petition for exemption is based on Fuel Mixtures or Peakload Powerplant only. If applicable, check the box to indicate that Schedule D is attached.

(g) Schedule E (Alternative Sites) must be submitted for all permanent exemptions except:

- o Cogeneration
- o Fuel Mixtures

o Emergency Purposes

o Reliability of Service

o Peakload Powerplant

If applicable, check the box to indicate that Schedule F is attached.

(h) For each type of exemption you indicated in Question 3.0 that you are petitioning for, the applicable Exemption Form must be prepared and submitted. Check this box to indicate that the required Exemption Forms are attached.

5.3 At your discretion you may submit other documentation in support of your petition. Check this block to indicate if such documentation is attached and list the attachments in the space provided.

6.0 CERTIFICATION

(1) If you are filing a petition for exemption(s) on behalf of a corporation, the Chief Executive Officer and the Chairman of the Board of the company shall attest in writing to the accuracy of all information contained in or appended to the petition.

(2) If you are filing a petition for exemption(s) on behalf of a wholly-owned subsidiary, then the requirements of (1) above shall apply to the subsidiary and to the parent corporation as well. (Four signatures may be required.)

(3) If you are filing on behalf of an entity other than a corporation, the Chief Management Officer shall attest in writing to the accuracy of all information contained in or appended to the petition.

ERA-

Form Approved
OMB No. _____

U.S. DEPARTMENT OF ENERGY
Washington, D.C.

DRAFT

GENERAL FORM FOR NEW INSTALLATION EXEMPTION PETITION

This General Form for Exemption Petition must accompany all Petitions for Temporary or Permanent Exemption(s).

A separate General Form must be submitted for each unit for which you are seeking an exemption.

1.0 IDENTIFICATION INFORMATION

What is the name, mailing address, city, state and zip code for the Facility, the Operating Company and the Parent Company?

1.1 Facility Data (Site)

(a) _____
Name

(b) _____
Address

(c) _____
City, State, Zip Code

(d) _____
County

(e) _____
Unit Identification

1.2 Operating Company

(a) _____
Name

(b) _____
Address

(c) _____
City, State, Zip Code

1.3 Parent Company (Complete if applicable)

(a) _____
Name

(b) _____
Address

(c) _____
City, State, Zip Code

1.4 Enter the name of the person in your company to whom questions regarding this petition may be directed:

(a) _____
Name

(b) _____
Title

(c) _____
Address

(d) _____
City, State, Zip

(e) ( )
Area Code, Telephone Number

2.0 FACILITY INFORMATION

2.1 What is the name and Standard Industrial Classification (SIC) for the primary end product(s) manufactured utilizing the energy output of this facility? If the SIC is unknown, enter the product only and DOE will enter the SIC.

	(a)	(b)	(c)	(d)
(1) Name of Product	_____	_____	_____	_____
(2) Four Digit SIC	____	____	____	____

2.2 For what type of installation are you seeking an exemption? (Check one)

(a) ☐ Package Boiler (b) ☐ Field Erected Boiler (c) ☐ Internal Combustion Engine
(d) ☐ Combustion Turbine (e) ☐ Combined Cycle Unit

2.3 What is the design capacity of your new installation (unit)?

(a) _____ MMBTU's/Hour Heat Input Rate (b) (If a boiler:) _____ Pounds of steam per hour

2.4 Are there other units at the site of the new installation (unit) which individually have a design heat input capacity of 50 million BTU's per hour, or greater?

(a) ☐ Yes...Answer 2.5 (b) ☐ No...Skip to 2.6

2.5 What is the total designed heat input capacity at the site (counting the new installation and those other units at the site considered in Question 2.4 above only)?

_____ MMBTU's per hour

2.6 Have you filed a petition with ERA for classification of this installation (unit) as "EXISTING?"

(a) ☐ Yes...What is the Docket Number? _____
(b) ☐ No...Answer 2.7

2.7 Indicate the appropriate classification for your filing as a New Installation

(a) ☐ As of April 20, 1977, unit was not operational.

(b) ☐ Since April 20, 1977, unit has been either reconstructed, refurbished, or added to, and the cost of such reconstruction, refurbishment, or addition equals or exceeds 50% of the price of a replacement unit..

(c) ☐ Since November 9, 1978, unit was moved from one site to another.

2.8 Indicate the status of development for this Installation (unit) by placing an "X" in the milestones accomplished as of the date of this Petition.

(a) ☐ Conceptual stage
(b) ☐ Planning stage
(c) ☐ Preliminary design stage
(d) ☐ Final Design Stage
(e) ☐ Proposals Requested
(f) ☐ Contract executed
(g) ☐ Construction started
(h) ☐ Construction completed
(i) ☐ Facility operational

2.8.1 What is the date the installation became operational or the date it is projected to become operational? _____

3.0 EXEMPTION INFORMATION

Place an "X" in the appropriate box(es) to indicate the type of exemption(s) you are petitioning for. If you have previously submitted a petition for exemption(s) for this unit, enter the docket number in the space provided.

3.1 Temporary exemptions for new installations

	Type of Exemption	Docket Number
(a) ☐	Lack of alternate fuel supply.....	_____
(b) ☐	Site limitations.....	_____
(c) ☐	Inability to comply with applicable environmental requirements.....	_____
(d) ☐	Future use of synthetic fuels.....	_____
(e) ☐	Public interest exemption.....	_____

3.2 Permanent exemptions for new installations

	Type of Exemption	Docket Number
(a) ☐	Lack of alternate fuel supply for the first ten years of useful life.....	_____
(b) ☐	Lack of alternate fuel supply at a cost which does not substantially exceed the cost of using petroleum.....	_____
(c) ☐	Site limitations.....	_____
(d) ☐	Inability to comply with applicable environmental requirement.....	_____
(e) ☐	Inability to obtain adequate capital.....	_____
(f) ☐	State or local requirements.....	_____
(g) ☐	Cogeneration	
(h) ☐	Permanent exemption for certain fuel mixtures, containing natural gas or petroleum.....	_____
(i) ☐	Emergency purposes.....	_____
(j) ☐	Product and process requirements.....	_____
(k) ☐	Scheduled equipment outages.....	_____

GENERAL FORM FOR NEW INSTALLATION PETITION

4.0 FUEL DATA

Complete the following information for the unit for which you are requesting an exemption

FUEL TYPE	What fuels are used or proposed to be used as a "Primary Energy Source."? (Check all fuels that apply.) Capability (a)	Proposed (b)	What is your annual estimated fuel consumption? (10 Year Average) (c)	What is the percentage of heat input required for ignition, start-up, flame stabilization and control? (10 Year Average) (d)
4.1 SOLID FUELS				
4.1.1 Coal			tons	%
4.1.2 Petroleum Coke			tons	%
4.1.3 Municipal Waste			tons	%
4.1.4 Industrial Waste			tons	%
4.1.5 Agricultural Waste			tons	%
4.1.6 Wood			tons	%
4.1.7 Solid Refinery Waste			tons	%
4.1.8 Biomass			tons	%
4.1.9 Solid Renewable Waste			tons	%
4.1.10 other:			tons	%
4.2 LIQUID FUELS				
4.2.1 Residual Oil #6			Bls	%
4.2.2 Distillate Oil #2			Bls	%
4.2.3 Synthetic Oil			Bls	%
4.2.4 Liquid Refinery Waste			Bls	%
4.2.5 Shale Oil			Bls	%
4.2.6 Crude Oil			Bls	%
4.2.7 Other:			Bls	%
4.3 GASEOUS FUELS				
4.3.1 Industrial Gas			Mcf	%
4.3.2 Synthetic Gas From Petroleum			Mcf	%
4.3.3 Synthetic Gas From Alternate Fuel			Mcf	%
4.3.4 Gaseous Refinery Waste			Mcf	%
4.3.5 Gaseous Industrial Waste			Mcf	%
4.3.6 Other:			Mcf	%
4.3.7 Other:			Mcf	%
4.3.8 Other:				
4.4 SOLAR				

4.5 What is the estimate annual capacity factor (10 Years) use in the calculation of (c)? _____ Percent.

ERA-301B Page 4

5.0 SUPPORTING DOCUMENTATION INFORMATION

5.1 Unless your petition is for an exemption based on Fuel Mixture, or is for Temporary Exemption(s) only, you must address in your Fuels Decision Report (FDR) the feasibility of using a method of Fluidized Bed Combustion of an alternate fuel in this unit. As applicable, indicate below that: Fluidized Bed Combustion is discussed in your FDR, citing the FDR Page and Chapter where appearing, or that the issue is not applicable to this petition.

(a) ☐ Fluidized Bed Combustion of Coal or another alternate fuel is addressed in the FDR.

(b) FDR Page _____ Chapter _____

(c) ☐ Not applicable. Petition is for Fuel Mixture Exemption or for Temporary Exemption(s) only.

5.2 You must submit the following documents in support of your petition for exemption(s). Enter an "X" in the boxes below to indicate that the documents are attached.

(a) ☐ Transmittal Letter

(b) ☐ Fuels Decision Report

(c) ☐ Schedule D (Fuel Mixture) [Not required if Petition is for exemption based on Fuel Mixture]

(d) ☐ All other required Schedules as indicated on each Exemption Form you are submitting.

(e) ☐ Exemption Form for each exemption being petitioned for

5.3 Indicate by entering an "X" in the box below if additional (discretionary) documentation in support of your petition is attached. List the additional documents in the space provided. If no additional documentation is attached, skip to 6.0.

☐ Additional Documentation Attached and listed below

(a) _____

(b) _____

(c) _____

(d) _____

(e) _____

6.0 CERTIFICATION

I certify that the information contained herein and appended hereto is true and accurate to the best of my knowledge.

Name	Title	Signature	Date
Name	Title	Signature	Date

Title 18, USC 1001, makes it a crime for any person knowingly and willingly to make to any Agency or Department of the United States any false, fictitious or fraudulent statements as to any matter within its jurisdiction.

Enter any additional remarks in this space:

DRAFT

INSTRUCTIONS - GENERAL FORM FOR NEW INSTALLATION EXEMPTION PETITION - ERA FORM 301-B

1.0 IDENTIFICATION INFORMATION

1.1 Facility Data (Site): This information pertains to the site where your new installation (unit) is located.

(a) Enter the name by which the facility site is identified.

(b) Enter the street address of the facility site.

(c) Enter the City and State where the facility site is located and the ZIP code of the address.

(d) Enter the County in which the facility site is located.

(e) Enter the specific identification of the new unit. For example, boiler #234.

1.2 Operating Company Identification: This information relates to the company which has the actual responsibility for the operation of the new installation. Included under the meaning of company is any individual corporation, company, partnership, association, firm, institution, society, trust, joint venture, stock company, or County, State or Federal entity.

(a) Enter the complete name of the company.

(b) Enter the street address of the company.

(c) Enter the City and State where the company is located and the ZIP code for the address.

1.3 Parent Company Data: Complete this section only if there is an entity which controls, wholly or partially owns, or is responsible for the operating company.

(a) Enter the name of the entity.

(b) Enter the street address of the entity.

(c) Enter the City and State where the entity is located and the ZIP code of the address.

1.4 Contact Person Identification: This information should relate to an individual who can be contacted if there are questions regarding the information contained in this petition.

(a) Enter the name of the individual.

(b) Enter the title by which the individual is identified in the company.

(c) Enter the street address of the individual.

(d) Enter the City and State where the individual is located and the ZIP code of the address.

(e) Enter the area code and the telephone number at which the individual may be reached during normal working hours.

2.0 FACILITY INFORMATION

2.1 Name of Product and Standard Industrial Classification (SIC): This information pertains to the end product(s) which will be produced using the energy output of the new installation (unit). Columns (a), (b), (c) and (d) are provided to list the name and SIC for each end product produced.

(1) Enter the common name of each end product produced.

(2) If known, enter the four digit Standard Industrial Classification (SIC) for each end product produced. If unknown, leave blank.

2.2 Check the appropriate box that indicates the type of installation (unit) for which you are petitioning for exemption(s).

2.3 Provide the design capacities of the installation (unit) by:

(a) Fuel heat input rate in millions of British Thermal Units (MMBTU's) per hour.

(b) If the unit is a boiler, the pounds of steam per hour (output).

2.4 Indicate whether or not there are other units at the same site having individually a design heat input rate capacity of 50 million British Thermal Units (BTUs) per hour or greater. (Units within 10 miles of each other will be considered by ERA to be at the same site.)

(a) If "Yes" answer question 2.5.

(b) If "No" go on to question 2.6.

2.5 If your answer to Question 2.4 is "Yes", indicate the total design heat input rate capacity per hour in millions of British Thermal Units (MMBTU's per hour) at the site. Count the unit for which this petition is being submitted and the other units at the site considered in answering Question 2.4.

2.6 Indicate whether or not you have petitioned ERA for classification of this unit as an Existing Facility. If "Yes," provide the Docket Number assigned.

2.7 Check the box that describes the basis for the classification of this unit as a New Installation.

2.8 As of the date of certification of this petition, indicate by checking the appropriate boxes, the milestones accomplished in the construction of this installation (unit):

(a) Check this block if the installation is at or beyond the conceptual stage.

(b) If this installation is at or beyond the planning stage, check this block.

(c) If at or beyond the preliminary design stage, check this block.

(d) Check this block if the installation is at or beyond the final design stage.

(e) If bids for the construction or purchase of this installation have been requested, check this block.

(f) If a contract for the construction or purchase of this installation has been executed, check this block.

(g) Check this block if the construction of this installation has started.

(h) If construction of this installation is completed, check this block.

(i) Check this block if the installation is now operational.

(Construction means substantial physical onsite construction which constitutes more than clearance of the site or installation of foundation pilings.)

2.8.1 Enter the date the installation became operational, or the date you expect it to become operational.

3.0 EXEMPTION INFORMATION

3.1 Check the box for each type of temporary exemption for which you are petitioning.

3.2 Check the box for each type of permanent exemption for which you are petitioning.

If you have previously petitioned ERA for an exemption(s) for this unit, enter in the space provided beside the type of exemption the Docket Number assigned by ERA.

4.0 FUEL DATA

For the unit that you are petitioning for exemption(s), provide the following fuel data:

(a) Check all fuel types that the unit is capable of burning as a Primary Energy Source.

(b) Check what fuel type(s) you propose to burn in this unit as a Primary Energy Source.

(For (a) and (b), Primary Energy Source is defined as the fuel or fuels used by a major fuel burning installation for

normal operation, but it does not include the minimum amounts of fuel required for unit ignition, startup, testing, flame stabilization and control uses.)

(c) Provide the estimated ten year average of annual fuel consumption for this unit by fuel type.

(d) Provide by fuel type the average percent of annual heat input which you expect will be devoted to ignition, startup, testing, flame stabilization and control uses for this unit over a ten year period.

4.5 Provide the estimated annual capacity factor (averaged for ten years) that was used in the calculation of estimated fuel consumption in (c) above.

5.0 SUPPORTING DOCUMENTATION INFORMATION

5.1 If you are petitioning for any permanent exemption except Fuel Mixtures, you must demonstrate in your Fuels Decision Report that a method of Fluidized Bed Combustion of coal or another alternate fuel has been considered for this unit and that such a method is not economically or technically feasible.

(a) If discussion of Fluidized Bed Combustion is applicable, check this box to indicate that it has been addressed in your Fuels Decision Report.

(b) If Fluidized Bed Combustion is addressed in your Fuels Decision Report, provide the page and chapter numbers where it appears.

(c) If your petition is for an exemption based on Fuel Mixtures, or if you are petitioning for temporary exemption(s) only, check this box to indicate that discussion of Fluidized Bed Combustion in your Fuels Decision Report is not applicable.

5.2 This section serves as a guide and checklist to insure that all mandatory supporting documentation has been completed and attached to your petition.

(a) Check this box to indicate that your petition for exemption(s) is forwarded by a transmittal letter.

(b) Check this box to indicate that you have developed and attached a Fuels Decision Report,

(c) Unless you are petitioning for an exemption for Fuel Mixtures, Schedule D - Fuel Mixtures, must be completed and attached.

(d) Each Exemption Form lists specific Schedule Forms required for that particular exemption. Check this box to indicate that all required Schedule Forms for the type of exemption(s) you are petitioning for are completed and attached.

(e) For each type of exemption you indicated in Question 3.0 that you are petitioning for, the applicable Exemption Form must be prepared and submitted. Check this box to indicate that the required Exemption Forms are attached.

5.3 At your discretion you may submit other documentation in support of your petition. Check this block to indicate if such documentation is attached and list the attachments in the space provided.

6.0 CERTIFICATION

(1) If you are filing a petition for exemption(s) on behalf of a corporation, the Chief Executive Officer and the Chairman of the Board of the company shall attest in writing to the accuracy of all information contained in or appended to the petition.

(2) If you are filing a petition for exemption(s) on behalf of a wholly-owned subsidiary, then the requirements of (1) above shall apply to the subsidiary and to the parent corporation as well. (Four signatures may be required.)

(3) If you are filing on behalf of an entity other than a corporation, the Chief Management Officer shall attest in writing to the accuracy of all information contained in or appended to your petition.

ERA-

U.S. DEPARTMENT OF ENERGY
Washington, D. C. 20461

Form Approved
OMB No._____

DRAFT

TEMPORARY EXEMPTION FOR FUTURE USE
OF SYNTHETIC FUELS FOR NEW POWERPLANTS
AND NEW INSTALLATIONS

If you are petitioning for a Temporary Exemption for future use of synthetic fuels for a new powerplant or a new major fuel burning installation, your filing requirements include the appropriate General Exemption Form, a Fuels Decision Report, the appropriate schedules, this form, and all pertinent fees.

A separate Temporary Exemption form must be submitted for each unit for which you are seeking an exemption.

1.0 IDENTIFICATION INFORMATION

What is the name of the facility, operating company and the person responsible for this form?

1.1 Facility Data (site):

(a) _____
Name

(b) _____
Unit Identification

1.2 Operating Company Identification:

(a) _____
Name

1.3 Name of person in your company to whom questions regarding this petition may be directed if different from the General Form:

(a) _____
Name

(b) _____
Title

(c) ( ) _____
Area Code, Telephone Number

2.0 CERTIFICATION

I certify that the information contained herein and appended hereto is true and accurate to the best of my knowledge.

Name	Title	Signature	Date
Name	Title	Signature	Date

Title 18, USC 1001, makes it a crime for any person knowingly and willingly to make to any Agency or Department of the United States any false, fictitious or fraudulent statements as to any matter within its jurisdiction.

ERA-302 Page 1

3.0 SYNTHETIC FUEL INFORMATION

3.1 Is the application for a new unit at a currently operating facility?

(a) /_/ Yes...Answer 3.2 (b) /_/ No...Skip to 3.3

3.2 What fuels are currently being burned at the site? (Check all applicable fuels.)

(a)	Solid Fuels
1	Coal
2	Petroleum Coke
3	Municipal Waste
4	Industrial Waste
5	Agricultural Waste
6	Wood
7	Solid Refinery Waste
8	R 10 Pass
9	Solid Renewable Waste
10	Other:_____

(b)	Liquid Fuels
1	Residual Oil #6
2	Distillate Oil #2
3	Synthetic Oil
4	Liquid Refinery Waste
5	Shale Oil
6	Crude Oil
7	Other:_____

(c)	Gaseous Fuels
1	Natural Gas
2	Synthetic Gas From Petroleum
3	Synthetic Gas From Alternate Fuel
4	Gaseous Refinery Waste
5	Gaseous Industrial Waste
6	Other:_____

(d) Solar ☐

3.3 Will the synthetic fuel be used only for the new unit or the existing units?

(a) /_/ New Unit...Skip to 4.0 (b) /_/ Existing Units...Answer 3.4

3.4 What is the total annual volume of fuel that will be replaced annually by the synthetic fuel including the new unit?

(a) Fuel type:_____

(b) Volume:_____

4.0 EXEMPTION DATA

4.1 When will the synthetic fuel become available for use at the facility?

Month_____ Year_____

5.0 AVAILABILITY OF SYNTHETIC PRODUCT

5.1 Is the synthetic fuel to be developed:

(a) /_/ by applicant, at site being applied for?...Skip to 7.0

(b) /_/ by applicant, at another facility?...Answer 6.0

(c) /_/ by another company?...Answer 6.0

6.0 SYNTHETIC FUEL PRODUCER INFORMATION

6.1 What is the name of the synthetic fuel?_____

6.2 What is the producer's name and address?

Name_____

Street Address_____

City_____ State_____ Zip Code_____

6.3 What is the name, title and telephone number of a contact person for this producer?

_____
Name

_____
Title

( ) - _____
Telephone

7.0 SUPPORTING DOCUMENTATION

In support of your Petition for a Temporary Exemption for Future use of Synthetic Fuels, you are required to address specific issues in your Fuels Decision Report. Complete the following questions to provide ERA with a summary of your responses and/or to indicate that such issues have been addressed. As appropriate, indicate the page and chapter number where the issues are discussed in the Fuels Decision Report (FDR).

As part of your Fuels Decision Report have you provided the following:

7.1 copies of economic and technical feasibility studies pertaining to the use of synthetic fuels by your proposed unit?

(a) ☐ Yes (b) ☐ No (c) FDR Page_____ Chapter_____

7.2 reliable evidence of the financial commitments you have made to construct, operate and maintain equipment which will use synthetic fuel as the primary energy source at the end of the proposed exemption period?

(a) ☐ Yes (b) ☐ No (c) FDR Page_____ Chapter_____

7.3 copies of bid requests, advertisements, contracts and/or other agreements relating to the production, purchase, and transportation of synthetic fuel?

(a) ☐ Yes (b) ☐ No (c) FDR Page_____ Chapter_____

7.4 information with regard to permits that may be required by Federal or State agencies for the construction and operation of a powerplant using synthetic fuels?

(a) ☐ Yes (b) ☐ No (c) FDR Page_____ Chapter_____

Enter any additional remarks in this space:

DRAFT

TEMPORARY EXEMPTION FOR FUTURE USE OF SYNTHETIC FUELS
FOR
NEW POWERPLANTS AND NEW INSTALLATIONS

Instructions

I. Authority/Purpose

This exemption is required pursuant to the provisions of Title 10 of the Code of Federal Regulations, Parts 503.24 and 505.14, Public Law 95-620, Powerplant and Industrial Fuel Use Act of 1978 (FUA) to be filed with the Economic Regulatory Administration (ERA) for any company seeking a temporary exemption for Future Use of Synthectic Fuels for new powerplants or new installations. If you are petitioning for a Temporary Exemption for use of synthetic fuels for new powerplants or new installations your filing requirements include the appropriate General Form, a Fuels Decision Report, the appropriate schedules, this form, and all pertinent fees. The information provided in this form will be used by ERA to perform an evaluation of powerplants and installations seeking a temporary exemption.

II. Where to submit the temporary exemption form:

Submit Form ERA-302 in triplicate (3) to:

Department of Energy
Economic Regulatory Administration
2000 M Street, N. W. Room
Washington, D. C. 20461

III. Temporary Exemptions for use of Synthetic Fuels Form

Section 1.0 Identification Information

1.1 Facility Data (Site). This information pertains to the site where the new Synthetic Fuels Powerplant (Unit) or New Synthetic Fuels Major Fuel Burning Installation (Unit) is located.

(a) Enter the name of the facility where the unit is located.
(b) Enter the specific identification of the unit.

1.2 Operating Company Identification.

(a) Enter the name of the company that has the responsibility for the operation of the unit. Included under the meaning of company is any individual corporation, partnership, association, firm, institution, society, trust, joint venture, stock company, or County, State or Federal entity.

1.3 Name of person responsible for this application. The information should relate to an individual who can be contacted if there are any questions regarding the information contained in this Synthetic Fuels Form.

(a) Enter the name of the individual.
(b) Enter the title by which the individual is identified in the company.
(c) Enter the area code and telephone number at which the individual may be reached during normal working hours.

Section 2.0 CERTIFICATION

(1) If you filing a petition for an exemption on behalf of a corporation, the Chief Executive Officer and the Chairman of the Board of the company shall attest in writing to the accuracy of all information contained in or appended to the petition.

(2) If you are filing a petition for an exemption on behalf of a wholly-owned subsidiary, then the requirements of (1) above shall apply to the subsidiary and to the parent corporation as well. (Four signatures may be required.)

(3) If you are filing on behalf of an entity other than a corporation, the Chief Managerial Officer shall attest in writing to the accuracy of all information contained in or appended to the petition.

Section 3.0

3.1 Check (a) "yes" if the application is for a new unit at a currently operating facility. If you check "yes," answer question 3.2. Check (b) "no" if it is not a new unit at a currently operating facility. If you check "no," skip to question 3.3.

3.2 If you checked (a) "yes" in question 3.1, check what fuel (or fuels) is currently being burned at the site (operating facility).

3.3 Indicate whether or not the synthetic fuel will be used for:

a. the new unit only; if you check "a," skip to question 4.0.
b. existing units also; if you check "b," answer question 3.4.

3.4 If you checked (b) in question 3.3; that is, that synthetic fuel will be used in existing units also, indicate (a) the fuel type and (b) the total annual volume of fuel that will be replaced annually by synthetic fuel.

Section 4.0 Exemption Data.

4.1 Indicate the month and year when the synthetic fuel will become available for use at the facility.

Section 5.0 Availability of Synthetic Product.

5.1 Indicate how the synthetic fuel is to be developed by checking (a) if it will be developed by the applicant at the proposed site.

If you check "a," skip to question 7.0. Check (b) if it will be developed by the applicant at another facility, other than that being applied for and answer question 6.0. Check (c) if the synthetic fuel will be developed by another company and answer question 6.0.

Section 6.0 If you checked (b) or (c) in item 5.1; that is, that the synthetic fuel will be developed (b) by the applicant at another site, or (c) by another company, further information is required:

6.1 Indicate the name of the synthetic fuel

6.2 Indicate the street address, City, State and ZIP Code of the synthetic fuel producer.

6.3 Indicate the name of the contact person of the synthetic fuel producer, including his or her title and phone number including area code.

Section 7.0 Supporting Documentation.

In support of your Petition for the Future Use of Synthetic Fuels Exemption, you are required to address specific issues of your Fuels Decision Report. In completing the questions in Section 7.0, provide ERA with a summary of your responses and/or indicate that such specific issues have been addressed. As appropriate, indicate the page and chapter (or attachment number) where the issues are discussed in the Fuels Decision Report.

7.1 through 7.4 Check "yes" or "no" and indicate the chapter and page.

ERA-

Form Approved
OMB No. _____

A

U.S. DEPARTMENT OF ENERGY
Washington, D.C. 20461

DRAFT

TEMPORARY PUBLIC INTEREST EXEMPTION
FOR NEW POWERPLANTS AND NEW INSTALLATIONS

If you are petitioning for a temporary Public Interest Exemption for a new powerplant or a new major fuel burning installation, your filing requirements include the appropriate General Exemption Form, a Fuels Decision Report, the appropriate schedules, this form and all pertinent fees.

A separate temporary Public Interest Exemption form must be submitted for each unit for which you are seeking an exemption.

1.0 IDENTIFICATION INFORMATION

What is the name of the facility, operating company and the person responsible for this form?

1.1 Facility Data (site):

(a) _____
Name

(b) _____
Unit Identification

1.2 Operating Company Identification:

(a) _____
Name

1.3 Name of person in your company to whom questions regarding this petition may be directed if different from the General Form:

(a) _____
Name

(b) _____
Title

(c) ( ) _____
Area Code, Telephone Number

2.0 CERTIFICATION

I certify that the information contained herein and appended hereto is true and accurate to the best of my knowledge.

Name	Title	Signature	Date
Name	Title	Signature	Date

Title 18, USC 1001, makes it a crime for any person knowingly and willingly to make to any Agency or Department of the United States any false, fictitious or fraudulent statements as to any matter within its jurisdiction.

ERA-303 Page 1

3.0 For what reason are you seeking a temporary public interest exemption?

(a) ☐ Economic
(b) ☐ Transportation
(c) ☐ Unemployment
(d) ☐ Waste Disposal
(e) ☐ Waste Treatment
(f) ☐ Available Water
(g) ☐ Historical
(h) ☐ Health/Safety
(i) ☐ Environmental
(j) ☐ State or local requirement
(k) ☐ Other, specify: _____

4.0 If granted a temporary "public interest" exemption, in which year do you expect to achieve your goal to utilize an alternate fuel as a primary energy source

(a) ☐ 1st year
(b) ☐ 2nd year
(c) ☐ 3rd year
(d) ☐ 4th year
(e) ☐ 5th year

5.0 SUPPORTING DOCUMENTATION INFORMATION

In support of your Petition for Public Interest Exemption, you are required to address specific issues in your Fuels Decision Report. Complete the following questions to provide ERA with a summary of your responses and/or to indicate that such issues have been addressed. As appropriate, indicate the page and chapter number where the issues are discussed in the Fuels Decision Report (FDR).

	FDR Page (a)	Chapter
5.1 Are you unable to comply with the applicable prohibitions imposed by the Act, except in extraordinary circumstances during the period for which exemption is requested, but that you will be capable of complying at the end of the proposed exemption period?		
5.2 Would the granting of the petition be in accord with the purposes of the Act and in the public interest?		
5.3 Are you eligible for a temporary exemption based on either lack of alternate fuel supply, site limitations, or environmental requirements, if you are petitioning for a new powerplant?		
5.4 Are you eligible for any other temporary exemption contained in Section 211 of the Act, if you are petitioning for a new installation?		

Enter any additional remarks in this space:

TEMPORARY PUBLIC INTEREST EXEMPTION
FOR
NEW POWERPLANTS AND NEW INSTALLATIONS

DRAFT

Instructions

I. Authority/Purpose

This form is required pursuant to the provisions of Title 10 of the Code of Federal Regulations, Part 503.25, and 505.15 Public Law 95-620, Powerplant and Industrial Fuel Use Act of 1978 (FUA), to be filed with the Economic Regulatory Administration for powerplants and installations seeking a temporary exemption from the prohibitions of the Fuel Use Act.

II. Where to submit the temporary exemption form.

Submit Form ERA- 303 in triplicate (3) to:

Department of Energy
Economic Regulatory Administration
2000 M Street, N.W. Room
Washington, D. C. 20461

If you are representing an installation file the General installation form. If you are representing a powerplant, you must file the General Powerplant Form. In addition, you must file a Fuels Decision Report, this form and any pertinent fees. The information provided in this Form will be used by ERA to perform an evaluation of powerplants and installations seeking a temporary exemption. A separate exemption form must be submitted for each unit for which you are seeking an exemption.

III. Temporary Public Interest Form

Section 1.0 Identification Information.

1.1 Facility Data (Site). This information pertains to the site where the New Public Interest Powerplant (Unit) or Public Interest Installation (Unit) is located.

(a) Enter the name of the facility where the unit is located

(b) Enter the specific identification of the unit. For example: Boiler #21.

1.2 Operating Company Identification.

(a) Enter the name of the company that has the responsibility for the operation of the unit. Included under the meaning of company is any individual corporation, partnership, association, firm, institution, society, trust, joint venture,

stock company, or County, State or Federal entity.

1.3 Name of person responsible for this application. The information should relate to an individual who can be contacted if there are any questions regarding the information contained in this Public Interest Form.

(a) Enter the name of the individual.
(b) Enter the title by which the individual is identified in the company.
(c) Enter the area code and telephone number at which the individual may be reached during normal working hours.

Section 2.0 CERTIFICATION

(1) If you are filing a petition for exemption(s) on behalf of a corporation, the Chief Executive Officer and the Chairman of the Board of the company shall attest in writing to the accuracy of all information contained in or appended to your petition.

(2) If you are filing a petition for exemption(s) on behalf of a wholly-owned subsidiary, then the requirements of (1) above shall apply to the subsidiary and to the parent corporation as well. (Four signatures maybe required.)

(3) If you are filing on behalf of an entity other than a corporation, the Chief Managerial Officer shall attest in writing to the accuracy of all information contained in or appended to the petition.

Section 3.0. Reason for Temporary Public Interest Exemption.

Check the line which best describes the reason for the Temporary Public Interest Exemption.

Section 4.0. Indicate the year in which you expect to achieve your goal if granted the Temporary Public Interest Exemption.

Section 5.0. Supporting Documentation.

In support of your petition for the Public Interest Exemption, you are required to address specific issues in your Fuels Decision Report. In completing the questions in Section 5.0, provide ERA with a summary of your responses and/or indicate that such specific issues have been addressed. As appropriate, indicate the chapter and page (or attachment number) where the issues are discussed in the Fuels Decision Report.

ERA-

Form Approved
OMB No.

DRAFT

U.S. DEPARTMENT OF ENERGY
Washington, D.C. 20461

EXEMPTION DUE TO A LACK OF ALTERNATE FUEL
FOR NEW POWERPLANTS AND NEW INSTALLATIONS

If you are petitioning for a permanent or a temporary exemption for a new power plant or a new installation due to lack of alternate fuel, you must file the appropriate General Form, a Fuels Decision Report, this form, and the appropriate schedules.

A separate Lack of Alternate Fuel Exemption Form must be submitted for each unit and alternate fuel for which you are seeking an exemption.

1.0 IDENTIFICATION INFORMATION

What is the name of the facility, operating company and the person responsible for this form?

1.1 Facility Data (Site):

(a) _____
Name

(b) _____
Unit Identification

1.2 Operating Company Identification

(a) _____
Name

1.3 Name of person in your company to whom questions regarding this petition may be directed if different from the General Form:

(a) _____
Name

(b) _____
Title

(c) ( )
Area Code, Telephone Number

2.0 CERTIFICATION

I certify that the information contained herein and appended hereto is true and accurate to the best of my knowledge.

Name	Title	Signature	Date
Name	Title	Signature	Date

Title 18, USC 1001, makes it a crime for any person knowingly and willingly to make to any Agency or Department of the United States any false, fictitious or fraudulent statements as to any matter within its jurisdiction.

ERA-304 Page 1

3.0 SCHEDULES REQUIRED FOR LACK OF ALTERNATE FUEL EXEMPTION

Note: (1) If this is a permanent exemption, answer 3.1 below.

(2) If this is a temporary exemption, skip to 3.2.

3.1 Check the appropriate boxes for the attached Exemption application and schedules.

(1) ☐ Lack of Alternate Fuel Supply for hte first ten years of useful life - You must complete this form plus the general exemption form mentioned previously, and the following:

(a) ☐ Schedule (C) Alternate Power Supply (Power plants only)

(b) ☐ Schedule (D) Fuel Mixtures

(c) ☐ Schedule (E) Alternative Site

(2) ☐ Lack of Alternate Fuel Supply at a Cost Which Does Not Substantially Exceed the Cost of Using Imported Petroleum During the Life of the Unit. In addition to the above forms required in (1) you must complete the following:

(a) ☐ Schedule (A) Cost Test (Power plants only)

(b) ☐ Schedule (B) Cost Test (Installations only)

(Skip to 4.0)

3.2 Check the appropriate boxes for the attached Exemption application and schedules.

☐ Temporary Exemption. Lack of Alternate Fuel Supply at a Cost which does not Substantially Exceed the Cost of using Imported Petroleum During the Period of the Exemption. You must complete this form in its entirety plus the general exemption form mentioned previously and the following:

(1) ☐ Schedule (A) Cost Test (Power plants only)

(2) ☐ Schedule (B) Cost Test (Installations only)

(3) ☐ Schedule (C) Alternate Power Supply (Power plants only)

(4) ☐ Schedule (D) Fuel Mixtures

(5) ☐ Schedule (E) Alternative Site

4.0 SUPPORTING DOCUMENTATION AND GENERAL DATA		
To support your Petition for exemption you are required to address specific issues in your Fuels Decision Report. For each of the following issues, indicate the Chapter and Page (or Attachment Number) where the issues are discussed in the Fuels Decision Report:	Fuels Decision Report	
	Page	Chapter
4.1 (a) A description of the specific fuel characteristics of the alternate fuel you considered in good faith effort to comply with the applicable prohibition and for which this exemption is submitted. (b)		
4.2 (a) A description of the alternate unit designs you considered in a good faith effort to comply with the applicable prohibitions:		
4.3 A description of the detailed design requirements for the new power plant as specified by the purchaser, including capacity, alternate fuel capability, and all other specifications.		
4.4 A description of the specific fuel characteristics of all the fuels which can be used by the new unit.		
4.5 You made a good faith effort to obtain an adequate and reliable supply of an alternate fuel of the quality necessary to conform to design and operational requirements of the new unit.		

Type Fuel	BTU's/Unit

4.6 Which of the following alternate fuels have you (1) considered for use as a primary energy source, and (2) which have you submitted an exemption based on lack of alternate fuel?

LIQUID FUELS	Considered	Submitted an Exemption	SOLID FUELS	Considered	Submitted an Exemption
Synthetic Oil			Petroleum Coke		
Liquid Refinery Wastes			Municipal, Industrial, and Agricultural Wastes		
Shale Oil			Wood		
Other; Specify: _____ _____			Solid Refinery Wastes		
			Biomass		
GASEOUS FUEL			Solid Renewable; Specify: _____		
Gaseous Refinery Wastes					
Gaseous Industrial Wastes			Other; Specify: _____ _____ _____ _____ _____		
Other; Specify: _____ _____ _____					

Note: (1) If you are requesting a temporary exemption, answer section 5.0 below.

(2) If you are requesting a permanent exemption based on cost, skip to section 6.0.

(3) If neither (1) or (2) above is applicable, skip to section 7.0

5.0 TEMPORARY EXEMPTION FOR LACK OF ALTERNATE FUEL

Indicate the page and chapter (or Attachment Number) where these issues are discussed in the Fuels Decision Report (FDR).	FDR	
	Page	Chapter
5.1 Demonstrate that an adequate and reliable supply of an alternate fuel of the quality necessary to conform to the design and operational requirements of the new power plant will not be available for the period of the proposed exemption.		
5.2 The cost of using such a supply would substantially exceed the cost of using imported petroleum as a primary energy source as defined in Section 503.5 (cost calculation) of the FUA regulations (see Schedule (A) (B)).		

ERA-304 Page 4

5.0 TEMPORARY EXEMPTION (Continued)

Indicate the page and chapter (or Attachment Number) where these issues are discussed in the Fuels Decision Report (FDR).	FDR	
	Page	Chapter
5.3 You will be able to comply with the applicable prohibitions of these regulations at the end of the proposed exemption period.		
5.4 Evidence that you sought to obtain the full range of alternate fuels and fuel characteristics which could be used by the new power plant, including bid requests, and/or advertisements for supply contracts and all responses thereto, as well as any other arrangements you attempted to make to secure supplies.		
5.5 Evidence of the contracts or other arrangements you have made to insure a reliable and adequate supply of an alternate fuel at the end of the proposed exemptions.		
5.6 All data required by cost calculations of section 5.6 of FUA regulations necessary for computing the cost calculation formula.		
5.7 A description of the approach and methodology you used to search for and evaluate the use of the alternate fuel you considered. (Skip to 7.0)		

6.0 PERMANENT EXEMPTION FOR LACK OF ALTERNATE FUEL AT A COST WHICH DOES NOT SUBSTANTIALLY EXCEED THE COST OF USING IMPORTED PETROLEUM

Indicate page and chapter (or Attachment Number) where these issues are discussed in the Fuels Decision Report (FDR).	FDR	
	Page	Chapter
6.1 Demonstrate that the cost of using such a supply would substantially exceed the cost of using imported petroleum as a primary energy source during the useful life of the new unit as defined in cost calculation Section of FUA regulations.		
6.2 All data required by Section 503.5 of these regulations (Cost Calculation) necessary for computing the cost calculation formula (See Section 6.0 of the regulations).		

DRAFT

PERMANENT EXEMPTION DUE TO A LACK OF ALTERNATE FUEL
FOR
NEW POWERPLANTS AND NEW INSTALLATIONS

I. Authority/Purposes. This form is required, pursuant to the provisions of Title 10 of the Code of Federal Regulations, Part 503.31, 503.32, 505.21, 505.22, and Public Law 95-620, Powerplant and Industrial Fuel Use Act of 1978 (FUA), to complete a petition to the Economic Regulatory Administration (ERA) for any exemptions from the prohibitions imposed under Title II, Section 212(a)(1)(A), of FUA. The information provided by this Form will be used by ERA to perform an evaluation of the petitioner's eligibility for an exemption.

II. Who may submit. Form ERA-304 must be submitted by owners of powerplants and installations who are petitioning for any exemptions under Title II for units classified "New" under the definition of Section 103 of FUA, and for those units which, upon petitioning to ERA for classification were not classified "Existing."

III. To Whom. Submit Form ERA-304and all accompanying documents in triplicate (3) to:

Department of Energy
Economic Regulatory Administration
2000 M Street, N.W., Room _____
Washington, D. C. 20461

IV. Labeling. "Petition for Permanent Exemption - for New Installation," or "New Powerplant" should be clearly labeled, both on the petition and on the outside of the envelope in which the petition is transmitted.

V. When to File. A petition for exemption(s) may be filed at any time after May 8, 1979 .

1.0 IDENTIFICATION INFORMATION.

1.1 Facility Data (Site): This information pertains to the site where the new facility is located.

(a) Enter the name by which the unit is identified.
(b) Enter the specific identification of the new unit. For example, Boiler #6, Unit #3, etc.

1.2 Operation Company Identification: This information relates to the company which has the actual responsibility for the operation of the new unit. Included under the meaning of company is any individual corporation, company, partnership, association, firm, institution, society, trust, joint venture, stock company or County, State or Federal entity. Enter the complete name of the company.

1.3 Contact Person Identification: This information should relate to an individual who can be contacted if there are questions regarding the information contained in this petition.

(a) Enter the name of the individual.
(b) Enter the title by which the individual is identified in the company.
(c) Enter the area code and the telephone number at which the individual may be reached during normal working hours.

2.0 CERTIFICATION

(1) If you are filing a petition for exemption(s) on behalf of a corporation, the Chief Executive Officer and Chairman of the Board of the company shall attest in writing to the accuracy of all information contained in or appended to your petition.

(2) If you are filing a petition for exemption(s) on behalf of a wholly-owned subsidiary, then the requirements of (1) above shall apply to the subsidiary and to the parent corporation as well. (Four signatures may be required.)

(3) If you are filing on behalf of an entity other than a corporation, the Chief Managerial Officer shall attest in writing to the accuracy of all information contained in or appended to your petition.

3.0 SCHEDULES REQUIRED FOR LACK OF ALTERNATE FUEL EXEMPTION.

3.1 This section is to be completed only if you are requesting a permanent exemption and serves as a guide and checklist to insure that all mandatory supporting documentation has been completed and attached to your petition.

(1) Check this box to indicate that you are applying for a permanent exemption for Lack of Alternate Fuel Supply for the first ten years of useful life.

(a) Check this box to indicate that you have attached Schedule (C) Alternate Power Supply (Powerplants only)

(b) Check this box to indicate that you have attached Schedule (D) Fuel Mixtures.

(c) Check this box to indicate that you have attached Schedule (E) Alternative Site.

(2) Check this box to indicate that you are applying for a permanent exemption for Lack of Alternate Fuel Supply at a Cost Which does not Substantially Exceed the Cost of Using Imported Petroleum During the Life of the Unit.

(a) Check this box to indicate that you have attached Schedule (A) Cost Test (Powerplants only)

(b) Check this box to indicate that you have attached Schedule (B) Cost Test (Installations only)

3.2 This Section is to be completed only if you are requesting a temporary exemption and serves as a guide and checklist to insure that all mandatory supporting documentation has been completed and attached to your petition.

(1) Check this box to indicate that you are applying for a temporary exemption for Lack of Alternate Fuel Supply at a Cost Which Does Not Substantially Exceed the Cost of Using Imported Petroleum During the Period of the Exemption.

(a) Check this box to indicate that you have attached Schedule (A) Cost Test (Powerplants only)

(b) Check this box to indicate that you have attached Schedule (B) Cost Test (Installations only)

(c) Check this box to indicate that you have attached Schedule (C) Alternate Power Supply (Powerplants only)

(d) Check this box to indicate that you have attached Schedule (D) Fuel Mixtures

(e) Check this box to indicate that you have attached Schedule (E) Alternative Site

4.0 SUPPORTING DOCUMENTATION AND GENERAL DATA

To support your petition for exemption, you are required to address specific issues in your Fuels Decision Report. For each of the following issues, indicate the chapter and page (or attachment number) where the issues are discussed in the Fuels Decision Report.

4.1(a) Indicate where in your Fuels Decision Report you have provided a description of the specific fuel characteristics of the alternate fuels you considered in a good faith effort to comply with the applicable prohibitions and for which this exemption is submitted.

(b) Indicate the types of alternate fuels you have considered. For example, coal, shale oil, etc.

Indicate the British Thermal Units (BTU's) per unit of the alternate fuel you considered. For example BTU's/lb., BTU's/gallon, etc.

4.2 - 4.5 These questions are self-explanatory.

4.6 Indicate which of the alternate fuels you have considered by placing a check mark in the appropriate column.

Indicate if you have submitted a request for an exemption based on a Lack of Alternate Fuel for each of the fuels that you have considered by placing a check mark in the appropriate column.

5.0 - 6.2 These questions are self-explanatory.

Form Approved
OMB No.

ERA-

U.S. DEPARTMENT OF ENERGY
Washington, D.C. 20461

TEMPORARY AND PERMANENT SITE LIMITATION EXEMPTION
FOR NEW POWERPLANTS AND NEW INSTALLATIONS

DRAFT

If you are petitioning for a permanent or temporary exemption for a new powerplant or a new installation, your filing requirements include the appropriate General Form, a Fuels Decision Report, Schedule (D) for temporary exemptions, Schedules (A), (C), (D), (E) for permanent powerplant exemptions, Schedules (B), (D) for permanent installation exemptions, this form, and all pertinent fees.

A separate Site Limitation Exemption Form must be submitted for each unit for which you are seeking an exemption.

1.0 IDENTIFICATION INFORMATION

What is the name of the facility, operating company and the person responsible for this form?

1.1 Facility Data (Site):

(a) _____
Name

(b) _____
Unit Identification

1.2 Operating Company Identification:

(a) _____
Name

1.3 Name of person in your company to whom questions regarding this petition may be directed if different from the General Form:

(a) _____
Name

(b) _____
Title

(a) ( ) _____
Area Code, Telephone Number

2.0 CERTIFICATION

I certify that the information contained herein and appended hereto is true and, accurate to the best of my knowledge.

Name	Title	Signature	Date
Name	Title	Signature	Date

Title 18, USC 1001, makes it a crime for any person knowingly and willingly to make to any Agency or Department of the United States any false, fictitious or fraudulent statements as to any matter within its jurisdiction.

ERA-305 Page 1

3.0 Is this a site limitation because: (Check all that apply.)	1 ☐ Alternate fuels would be inacessible. 2 ☐ Transportation facilities for alternate fuels would be unavailable. 3 ☐ Adequate facilities for handling, using, or storing an alternate fuel would be unavailable. 4 ☐ Adequate means for controlling or disposing of wastes would be unavailable. 5 ☐ Adequate and reliable supply of water would be unavailable. 6 ☐ Other site limitations exist which would not permit the location or operation of the proposed powerplant using the alternate fuel.

	Fuels Decision Report	
4.0 In support of your petition for exemption for site limitation, you are required to address specific issues in your Fuels Decision Report. For each of the following issues, indicate where it is addressed in your Fuels Decision Report:	Page	Chapter
4.1 Evidence that the site limitation is a physical limitation, and not a requirement at Federal, State, or local law which could be the basis for an exemption for state and local requirements.		
4.2 Evidence that alternative means for overcoming the site limitation were considered, with a detailed description of the efforts made to overcome the site limitation.		
4.3 Evidence of the equipment or space requirements for which the site limitation is claimed.		

Note: (1) If you are applying for a temporary site limitation exemption, answer 4.4 below.

(2) If you are applying for a permanent site limitation exemption, skip to the instruction box on the next page.

4.4 Evidence of contracts or other arrangements you have made to ensure that the site limitation will be overcome and that you will comply with the prohibitions at the end of the proposed exemption period.		

ERA-305 Page 2

Examples of evidence relevent to establishing a site limitation are shown in Questions 4.5 through 4.16. For each of these examples indicate where it is addressed in your Fuels Decision Report (FDR).	FDR	
	Page	Chapter
4.5 Detailed documentation of impediments, including right of way problems, site diagrams, maps of the surrounding areas and other items essential to the showing of a site limitation.		
4.6 Identification of transportation facilities relevant to the specific site of the powerplant and demonstration why the existing facilities cannot be used or new facilities constructed.		
4.7 Copies of bid requests, advertisements and general efforts made to secure alternative transportation facilities.		
4.8 Identification of potential alternate fuel storage locations within a reasonable geographic area surrounding the proposed powerplant.		
4.9 Detailed scale site plans of the entire facility including those areas not directly involved with the specific boiler.		
4.10 A specific listing of all equipment necessary and not currently available to properly handle alternate fuel.		
4.11 Copies of bid requests, advertisements, and general efforts made to secure alternative fuel storage facilities.		
4.12 Copies of quotes from bona fide suppliers, indicating lead times for purchase and installation of required ancillary storage and handling equipment.		
4.13 Specific listing of any equipment necessary and not currently available to properly control and dispose of waste.		
4.14 Identification of potential alternate waste disposal locations within a reasonable geographic area surrounding the proposed powerplant.		
4.15 A description of efforts made to secure off-site disposal areas, including the cost of acquisition, transportation facilities, and waste handling costs.		
4.16 Copies of bid requests, advertisements, and general efforts made to secure waste control and disposal equipment.		

5.0 Can your site limitations be overcome by expenditure of capital?	1 ☐ Yes 2 ☐ No

Enter any additional remarks here:

ERA-305 Page 4

DRAFT

TEMPORARY AND PERMANENT SITE LIMITATION EXEMPTION
FOR NEW POWERPLANTS AND NEW INSTALLATIONS

Instructions

I. Authority/Purpose

This exemption is required pursuant to the provisions of Title 10 of the Code of Federal Regulations, Parts 503.22, 503.33, 505.12 and 505.23, Public Law 95-620, Powerplant and Industrial Fuel Use Act (FUA) of 1978, to be filed with the Economic Regulatory Administration (ERA) for powerplants and installations seeking a temporary or permanent exemption for site limitations. If you represent a powerplant or installation seeking a temporary or permanent site limitation exemption, you must file the appropriate General Form, a Fuels Decision Report, Schedules (B) and (D) for Temporary and permanent exemptions for installations, and Schedules (A), (C), (D) and (E) for permanent powerplant exemptions, this form, and all pertinent fees. The information provided by the petitioner will be used by ERA to determine the eligibility for powerplants or installations seeking either a temporary or permanent exemption due to certain site limitations.

II. Where to submit Site Limitation Form

Submit Form ERA-305 in triplicate (3) to:

Department of Energy
Economic Regulatory Administration
2000 M Street, N.W., Room _____
Washington, D. C. 20461

III. Site Limitation Form

Section 1.0 IDENTIFICATION DATA.

1.1 Facility Location Data (site):

This information pertains to the site where your facility is located.

(a) Enter the name by which the facility site is identified.

(b) Enter the specific identification of the unit. For example, boiler #234.

1.2 Operating Company Identification:

This information relates to the company which has actual responsibility for the operation of the facility. Included under the meaning of company, is any individual corporation, company, partnership, association, firm, institution, society, trust, joint venture, stock company, or county, State or Federal entity.

Enter the complete name of the company.

1.3 Contact Person Identification:

This information should relate to person who should be contacted if there are questions regarding the information contained in this Form.

(a) Enter the name of the individual

(b) Enter the title by which the individual is identified in the company.

(c) Enter the area code and the telephone number at which the individual can be reached during normal working hours.

Section 2.0 Certification.

(1) If you are filing a petition for exemption(s) on behalf of a corporation, the Chief Executive Officer and Chairman of the Board of the company shall attest in writing to the accuracy of all information contained in or appended to your petition.

(2) If you are filing a petition for exemption(s) on behalf of a wholly-owned subsidiary, then the requirements of (1) above shall apply to the subsidiary and to the parent corporation as well. (Four signatures are required.)

(3) If you are filing on behalf of an entity other than a corporation, the Chief Managerial Officer shall attest in writing to the accuracy of all information contained in or appended to your petition.

Section 3.0 [Why] is this a site limitation?

Check all possible reasons in 1 thru 6 of Section 3.0 that identify or relate to your reasons for seeking a site limitation exemption.

Section 4.0 For Sections 4.1 through 4.16, you must clearly identify the page and chapter in your Fuels Decision Report where specific information is located in support of your request for a site limitation exemption.

4.1 Evidence that the site limitation is a physical limitation. A bona fide physical limitation, ERA's opinion, would be lack of a rail spur line within a reasonable distance of any proposed site or lack of a port or docking facility for a coal barge, etc. State and local laws such as building codes, nuisance laws or zoning laws will not be considered a site limitation by ERA.

4.2 Efforts to overcome a site limitation. Give a detailed description in your Fuels Decision Report where, despite good faith efforts, you were unable to overcome the site limitation for each alternate means you considered.

4.3 Evidence of limited space requirement or equipment. An example of such equipment or space limitation would be lack of adequate land or facilities for the control or disposal of wastes from such powerplant or installation, including lack of pollution control equipment or devices necessary to assure compliance with applicable environmental requirements.

4.4 Give evidence that the arrangements of contracts you have made to overcome your site limitation will not exceed the temporary exemption period. If you are seeking a temporary site limitation exemption, your Fuels Decision Report should include documentary evidence such as a contract or payment for services and work performed to insure you

do not exceed the temporary exemption period granted [up to five (5) years]. If you are seeking a permanent exemption write "N/A."

4.5 Give examples which show site limitation impediments such as site diagrams, and maps of the surrounding area that show the site limitation(s) for which you are seeking an exemption. Provide diagrams or maps of the site limitation by outlining or using color variations to offset impacted areas, i.e., physical limitations, right-of-ways, etc.

4.6 Identify why existing transportation facilities cannot be used or constructed. Identify and describe in your Fuels Decision Report alternative transportation modes you considered for each alternate fuel you examined, providing a clear, competent and concise explanation why facilities cannot be constructed to overcome a transportation limitation or constraint.

4.7 Have you provided copies of bid requests, advertisements, and general efforts made to secure alternative transportation facilities? With respect to Section 4.6, have you included copies of bid requests or advertisements in support of your efforts to secure alternate transportation? Cite the page and chapter in your Fuels Decision Report where this appears.

4.8 Identify potential alternate fuel storage locations within a reasonable distance of your proposed unit. Provide a description of each alternate fuel storage location you considered if your site limitation is for lack of adequate fuel storage facilities. Your Fuels Decision Report should also fully detail reasons why existing storage areas are inadequate or unavailable for alternate fuel storage.

4.9 Provide detailed scale site plans that include areas not directly involved with the specific boiler. Show in your site diagram all areas of the site facility including those not directly used as part of the powerplant or installation site.

4.10 List all equipment necessary and currently not available to handle the alternate fuels. For the alternate fuels you considered in your Fuel Mixtures Schedule (D), fully describe the reasons why the specific alternate fuel handling equipment you require is unavailable. Your Fuels Decision Report should explain why alternate fuel

equipment could not be purchased for all possible combinations of the alternate fuels you gave in Sechedule (D) - Fuel Mixtures.

4.11 Provide copies of bid requests, advertisements and general efforts to secure alternative fuel storage facilities. With respect to Section 4.10, have you included copies of bid requests or advertisements in support of your effort to secure alternate fuel handling equipment? Cite the page and chapter in your Fuels Decision Report where this appears.

4.12 Have you provided copies of quotes from bona fide suppliers indicating lead times for purchase and installation of required ancillary storage and handling equipment? Give the page and chapter in your Fuels Decision Report detailing evidence of quotes from alternate fuel equipment suppliers of lead times to purchase and install alternate fuel equipment. If lead time and installation exceed a five year period, you should apply for a permanent exemption.

4.13 Have you listed any ash disposal equipment that is currently not available as a site limitation? Have the page and chapter in your Fuels Decision Report where you address this site limitation as a constraint to burning alternate fuels.

4.14 Identify waste disposal locations within a reasonable distance of the proposed unit that may be a potential alternate site. Give the page and chapter in your Fuels Decision Report where viable and possible alternate waste disposal sites may exist. Provide a map or diagram of areas proximus to the proposed unit site that show potential off-site disposal locations.

4.15 Give a description of efforts made to secure off-site waste disposal areas. Give the page and chapter in your Fuels Decision Report where you provide evidence of your attempt to acquire potential off-site ash disposal areas. Describe the methodology you used to select alternative ash disposal sites and copies or summaries of any studies you performed in support of your search for an alternate ash disposal site.

4.16 Provide copies of bid requests, advertisements and general efforts made to secure waste control and disposal equipment. With respect to Sections 4.13 and 4.15, have you included copies of bid requests or advertisements in support of your efforts to secure control and disposal equipment? Cite the page and chapter in your Fuels Decision Report where this is addressed.

5.0 Can your site limitation be overcome by expenditures of capital? Answer yes or no. If you conclude that the site limitation you contend can be overcome by expenditure of capital, simply check "yes" without providing in-depth analysis or documentation. If you check "no," describe in the "remarks" section below 5.0 your analysis that it is technically infeasible to overcome your site limitation by capital expenditure. Provide engineering evidence that your site limitation(s) constraint(s) imposes significant technical or operational problems that could not be corrected by expenditures of capital.

ERA-

Form Approved
OMB No.

DRAFT

U.S. DEPARTMENT OF ENERGY
Washington, D.C. 20461

EXEMPTION DUE TO AN INABILITY TO COMPLY
WITH APPLICABLE ENVIRONMENTAL REQUIREMENTS

If you are petitioning for a permanent or a temporary exemption for a new powerplant or a new installation due to an inability to comply with applicable environmental requirements, you must file the appropriate General Exemption Form, a Fuels Decision Report, this form, and the appropriate schedules.

A separate Environmental Exemption Form must be submitted for each unit for which you are seeking an exemption.

What type of exemption is this? // Temporary // Permanent

1.0 IDENTIFICATION INFORMATION

What is the name of the facility, operating company, and the person responsible for this form?

1.1 Facility Data (Site):

(a) _____
Name

(b) _____
Street Address

(c) _____
City, County, State

1.2 Operating Company Identification:

(a) _____
Name

(b) _____
Street Address

(c) _____
City, County, State

1.3 Name of person in your company to whom questions regarding this petition may be directed if different from the General Form:

(a) _____
Name

(b) _____
Title

(c) ( )
Area Code, Telephone Number

2.0 CERTIFICATION

I certify that the information contained herein and appended hereto is true and accurate to the best of my knowledge.

Name	Title	Signature	Date
Name	Title	Signature	Date

Title 18, USC 1001, makes it a crime for any person knowingly and willingly to make to any Agency or Department of the United States any false, fictitious or fraudulent statements as to any matter within its jurisdiction.

ERA-306 Page 1

3.0 SUPPORTING DOCUMENTATION

In support of your Petition for a temporary or permanent exemption due to your inability to comply with applicable environmental requirements, you are required to address specific issues in your Fuels Decision Report. Complete the following questions to provide ERA with a summary of your responses and/or to indicate that such issues have been addressed. As appropriate, indicate the page and chapter number where the issues are discussed in the Fuels Decision Report (FDR).

As a part of your Fuels Decision Report have you provided:

3.1 A copy of any application which has been filed with EPA or a state agency for a permit to construct or operate a new powerplant or new installation and all supporting documents filed with or subsequent to the application?

(a) ☐ Yes...FDR Page _____ Chapter _____ (b) ☐ No

3.2 A copy of the decision or action taken by EPA or a State agency with respect to the application for a permit to construct or operate the new installation or powerplant?

(a) ☐ Yes...FDR Page _____ Chapter _____ (b) ☐ No

3.3 A detailed synopsis of the administrative record of the proceedings by EPA or the State agency for a construction or operation permit?

(a) ☐ Yes...FDR Page _____ Chapter _____ (b) ☐ No

3.4 Copies of all technical studies that you have relied upon with regard to consideration of alternate fuels, pollution control equipment, offsets, variances, State Implementation Plan revisions, redesignations of Class 2 areas to Class 3. Copies of requests for bids and responses received for fuel supply, and pollution control equipment and copies of correspondence on offsets, variances, SIP revisions and redesignations. Technical evaluations on the implementation of the offset policy should include the Lowest Achievable Emission Rate (LAER), projected pollution control equipment and its operating efficiency, and the amount of emissions which will be offset by each source. Technical evaluations regarding implementation of Prevention of Significant Deterioration regulations should include the Best Available Control Technology (BACT), projected pollution control equipment and its operating efficiency.

(a)	Alternate Fuels	(i) ☐	Yes...FDR Page ____	Chapter ____	(ii) ☐	No
(b)	Pollution Control Equipment	(i) ☐	Yes...FDR Page ____	Chapter ____	(ii) ☐	No
(c)	Offset	(i) ☐	Yes...FDR Page ____	Chapter ____	(ii) ☐	No
(d)	Variances	(i) ☐	Yes...FDR Page ____	Chapter ____	(ii) ☐	No
(e)	State Implementation Plan Revision	(i) ☐	Yes...FDR Page ____	Chapter ____	(ii) ☐	No
(f)	Redesignation of Class 2 areas	(i) ☐	Yes...FDR Page ____	Chapter ____	(ii) ☐	No

(g) Fuel Supply Bids and Responses (i) ☐ Yes...FDR Page ____ Chapter ____ (ii) ☐ No

(h) Best Available Control Technology (BACT) (i) ☐ Yes...FDR Page ____ Chapter ____ (ii) ☐ No

Note: (1) If you are applying for a temporary exemption, answer 3.5 and 3.6.

(2) If you are applying for a permanent exemption, skip to 3.7.

3.5 Copies of requests for bids, all responses received, and contracts signed, if any, for an alternate fuel supply and for the purchase and installation of pollution control equipment?

(a) ☐ Yes...FDR Page _____ Chapter _____ (b) ☐ No

3.6 Copies of agreements made by you with the State or other companies for the acquisition of appropriate "offsets"? For those agreements conditioned upon the grant of a variance, State Implementation Plan revision or redesignation of a Class 2 area, have you submitted a letter from the State agency indicating when a proceeding to effectuate the agreement will take place?

(a) ☐ Yes...FDR Page _____ Chapter _____ (b) ☐ No

(Skip to 4.0)

3.7 For a new powerplant, evidence that there is no reasonable alternative site as specified in the Section 2003.11 of the regulations?

(a) ☐ Yes...FDR Page _____ Chapter _____ (b) ☐ No

4.0 GENERAL INFORMATION

	Federal (a)				State (b)			
	(i) Air	(ii) Water	(iii) Solid Waste	(iv) Other: ____	(i) Air	(ii) Water	(iii) Solid Waste	(iv) Other: ____
4.1 What is the applicable environmental requirement with which powerplant or installation cannot comply by construction of/or operation with coal or alternate fuel capability?	☐	☐	☐	☐	☐	☐	☐	☐
4.1.1 Indicate construction or operational constraints. Construction:	☐	☐	☐	☐	☐	☐	☐	☐
Operational:	☐	☐	☐	☐	☐	☐	☐	☐
4.2 What are the environmental regulations (i.e., emission limitation) for the items checked in 4.1?	____	____	____	____	____	____	____	____
	____	____	____	____	____	____	____	____
	____	____	____	____	____	____	____	____
	____	____	____	____	____	____	____	____
	____	____	____	____	____	____	____	____

ERA-306 Page 4

4.3 Have you applied to EPA or State pollution control agency(ies) for appropriate construction or operating permits for those standards with which applicant projects violation?

(a) ☐ Yes...Answer 4.4.1 (b) ☐ No...Skip to 4.4.2

4.3.1 Did EPA or State pollution control agency approve or deny permit?

Permit (Indicate whether EPA or State approval is required.)	Application Date	Agency Action			
		(a) Approved	(b) Denied	Pending	(c) What is anticipated date of final action?
(1)		☐	☐	☐	_____
(2)		☐	☐	☐	_____
(3)		☐	☐	☐	_____
(4)		☐	☐	☐	_____
(5)		☐	☐	☐	_____
(6)		☐	☐	☐	_____
(7)		☐	☐	☐	_____
(8)		☐	☐	☐	_____
(9)		☐	☐	☐	_____
(10)		☐	☐	☐	_____

(Skip to 4.5)

4.3.2 When will the application be made?

Permit	(a) Date
(1)	
(2)	
(3)	
(4)	
(5)	
(6)	

4.4 Have you obtained all appropriate permits for compliance with other applicable environmental standards, with which applicant does not project violation?

(a) ☐ Yes (b) ☐ No...Skip to 4.5.0

(c) Not Applicable...Skip to 4.6

	(a) Air	(b) Water	(c) Solid Waste	(d) Other
4.5.0 What are the appropriate permits that must be obtained?	_____	_____	_____	_____
	_____	_____	_____	_____
	_____	_____	_____	_____
				_____
4.5.1 What is the reason(s) for not acquiring the appropriate permits?				
(1) Appropriate regulations now being revised	☐	☐	☐	☐
(2) Projected fuel uncertain	☐	☐	☐	☐
(3) Projected violation precludes further application for other permits	☐	☐	☐	☐
(4) New Source Review requirements for non-attainment areas cannot be met	☐	☐	☐	☐
(5) Other, specify and document in appropriate column	☐	☐	☐	☐
	_____	_____	_____	_____
	_____	_____	_____	_____

ERA-306 Page 6

4.6 EXISTING FACILITY DATA

4.6.1 Are existing units at this, or other facilities owned by petitioner in same air quality control region, operating in compliance with applicable environmental regulations?

(a) ☐ Yes...Skip to 5.0 (b) ☐ No...Answer 4.6.1.1

4.6.1.1 What is the name, size, location and type of fuel now being used by each unit in violation of environmental regulations?

(a) Unit Name	(b) Unit Size	(c) Unit Location	(d) Type of Fuel Used
(1)			
(2)			
(3)			
(4)			
(5)			

	(a) Federal	(b) State
4.6.2 What are the regulations now being violated?		

ERA-306 Page 7

	(a) Variance	(b) Delayed Compliance Order	(c) Notice of Violation	(d) Enforcement Order	(e) Other: _____
4.6.3 What are the current administrative actions now applicable to units in violation of applicable environmental regulations?	☐	☐	☐	☐	☐
4.6.4 What is the expiration date of each action? (Attach a copy of the appropriate variance(s), delayed compliance order(s), notice(s) of violation, and/or Enforcement Order.)	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____

4.6.5 Have you proposed a compliance plan for these units to the State or EPA?

(a) ☐ Yes...Answer 4.6.7 (b) ☐ No... Skip to 4.6.8

4.6.6 What is the effective "end date" of this plan? _____

4.6.7 Has the State (or EPA) approved or disapproved your proposed compliance plan?

(a) ☐ Approved...Attach copy of approved compliance plan and letter approving compliance plan.

(b) ☐ Disapproved...Attach copy of letter disapproving compliance plan.

(c) ☐ Pending...What is the anticipated agency action?

☐ Approved ☐ Disapproved Date of anticipated action: _____

(Skip to "Note" below.)

4.6.8 Indicate those reasons listed below but not excluding other reasons why you have not submitted a proposed compliance plan.

(a) ☐ Company now internally determining proposed compliance plan.

(b) ☐ Deadline for plan's submittal still pending.

Note: Answer all of the appropriate sections pertaining to those environmental requirements which will be violated if coal or alternative fuel capability were constructed or operated.

(1) If you would be violating the air pollution requirements, answer section 5.0

(2) If you would be violating the water requirements, answer section 6.0.

(3) If you would be violating the solid waste requirements, answer section 7.0.

5.0 AIR POLLUTION REQUIREMENT DATA

5.1 What is the time period during which the standard will be violated after commencement of operation if coal or alternate fuel is used as a primary energy source? (Submit documentation substantiating such projections if this information is not included in the FDR. This should include data on the volume and quality of the solid waste.)

(a) ☐ Less than 5 years (b) ☐ 5 years (c) ☐ More than 5 years

5.2 New Source Performance Standards (NSPS)

5.2.1 What are the NSPS applicable to your proposed facility?

(a) _____ (b) _____ (c) _____ (d) _____ (e) _____ (f) _____

5.2.2 Will you be able to burn coal or an alternate fuel in compliance with NSPS? (If answer is no, submit documentation and/or reference your FDR to substantiate your answer.)

(a) ☐ Yes (b) ☐ No (c) FDR Page _____ Chapter _____

5.2.3 Will you be able to install FGD capability to meet the sulfur NSPS? (Submit documentation and /or reference your FDR to substantiate your answer.)

(a) ☐ Yes (b) ☐ No (c) FDR Page _____ Chapter _____

5.3 Prevention of Significant Deterioration

5.3.1 What are the Air Quality Control Region numbers as designated by the U.S. Environmental Protection Agency in which proposed facility would be located or which would be impacted by the source's emissions?

(a) _____ (b) _____ (c) _____ (d) _____ (e) _____ (f) _____

5.3.2 What is the attainment status of the area as designated by the U.S. Environmental Protection Agency in which proposed facility would be located or which would be impacted by the proposed facility's emissions. (See Definitions section for attainment and non-attainment.)

(a) ☐ Attainment...Skip to 5.3.4 (b) ☐ Nonattainment...Answer 5.3.3

5.3.3 What are the pollutants that are in violation of the standards?

(a) ☐ SO_2 (b) ☐ TSP (c) ☐ HC (d) ☐ NO_x (e) ☐ Photo Chemical Oxidants
(Skip to 5.4)

5.3.4 Have you applied to EPA or State air pollution control agency for appropriate PSD permit?

(a) ☐ Yes (b) ☐ No

5.3.5 Have you notified the EPA or State air pollution control agency regarding the available increment for your facility?

(a) ☐ Yes (b) ☐ No...Submit studies indicating your efforts to determine the available increment.

ERA- Page 9 1/79

5.3.6 Have you submitted a proposed plan for compliance with the existing increment with the best available control technology and modeling studies to substantiate your projections to the EPA or state air pollution control agency?

(a) ☐ Yes...Submit copy of the proposed compliance plan. This should indicate type of pollution control equipment and removal efficiency necessary to meet BACT requirements.)

(b) ☐ No...What is the anticipated date for submission of such plan?

5.3.7 What is the emission limitation applicable to source, for each criteria pollutant?

(a) SO_2: _____ (b) TSP: _____ (c) HC: _____

(d) NO_2: _____ (e) Photo Chemical Oxidants: _____

5.3.8 Has EPA or State air pollution control agency approved or denied your PSD permit application?

(a) ☐ Approved (b) ☐ Denied

5.3.9 What is the status of your intentions to meet BACT requirements?

(a) ☐ Will locate low sulfur coal or other alternate fuel.

(b) ☐ Will locate other pollution control equipment.

(c) ☐ New Plan to meet BACT has been resubmitted to EPA or State Agency.

5.3.10 Will the new facility impact a Significant Deterioration Class I, Class II, or Class III area?

(a) ☐ Class I...Answer 5.3.11 (b) ☐ Class II...Skip to 5.3.12

(c) ☐ Class III...Skip to 5.5

5.3.11 Have you applied for a variance from the definition as a Class I area? (Submit documentation, including modeling studies, substantiating your answer if this information is not found in the FDR.)

(a) ☐ Yes (b) ☐ No

(Skip to 5.4)

5.3.12 Have you requested a redesignation of the area? (Submit documentation, including modeling studies substantiating your answer if this information is not found in the FDR?)

(a) ☐ Yes (b) ☐ No

Note: (1) If the proposed facility will be located in a nonattainment area of have an impact on a nonattainment area, answer section 5.4 below.

(2) If the proposed facility will be located in an attainment area of will not have an impact on a nonattainment area, skip to section 5.5.

ERA- Page 10 1/79

5.4 Offset Policy Data

5.4.1 What are the National primary ambient air quality standards which are not being violated in the AQCR?

	(a) SO_2	(b) TSP	(c) NO_x	(d) Photo Chemical Oxidants
(1) One-hour standard				
(2) Three-hour standard				
(3) 24-hour standard				
(4) Annual				

5.4.2 What are the National secondary ambient air quality standards which are now being violated in the AQCR?

	(a) SO_2	(b) TSP
(1) Three-hour standard		
(2) 24-hour standard		
(3) Annual		

5.4.3 Are existing units at the proposed facility, or at other facilities owned by your company in the affected Air Quality Control Region, in compliance with or on an approved compliance schedule with the mission's limitations under the Clean Air Act?

(a) ☐ Yes (b) ☐ No...Submit modeling studies indicating your contribution to violation in the AQCR.

5.4.4 Has the Lowest Achievable Emission Rate (LAER) been determined?

(a) ☐ Yes (b) ☐ No

5.4.5 Have you determined what offsets would be required?

(a) ☐ Yes (b) ☐ No

5.4.6 What have you determined LAER for the proposed facility to be?

(a) SO_2: _____ lbs. per _____ MMBTU (d) NO_x: _____ lbs. per _____ MMBTU

(b) TSP: _____ lbs. per _____ MMBTU (e) Photo Chemical Oxidants:

(c) HC: _____ lbs. per _____ MMBTU _____ lbs. per _____ MMBTU

5.4.7 Has this projection been concurred with by EPA or the State air pollution control agency? (Submit documentation substantiating your answer if this information is not found in the FDR.)

(a) ☐ Yes (b) ☐ No

5.4.8 What are the remaining emissions after application of LAER on a pollutant specific basis which need to be offset?

(a) SO_2: _____ (d) NO_x: _____

(b) TSP: _____ (e) Photo Chemical Oxidants:

(c) HC: _____ _____

5.4.9 Have you located sources which will provide the appropriate offsets?

(a) ☐ Yes (b) ☐ No

5.4.10 Have you negotiated agreements with such sources for the acquisition of the offsets?

(a) ☐ Yes (b) ☐ No

5.4.11 How will such offsets be accomplished?

(a) ☐ Shut down of existing units (d) ☐ Pollution control equipment

(b) ☐ Curtail hours of operation of existing units (e) ☐ Other: _____

(c) ☐ Low sulfur coal

5.4.12 Has EPA or State air pollution control agency approved or disapproved your proposal for acquisition of the offsets?

(a) ☐ Approved (b) ☐ Denied (c) ☐ Pending

5.4.13 Have you determined if other sources in the AQCR can meet RACT (Reasonably Available Control Technology)? (Submit documentation substantiating your answer if this information is not found in the FDR.)

(a) ☐ Yes (b) ☐ No

5.5 Applicable control measures

5.5.1 Would the projected violation occur if lower sulfur coal or more stringent pollution control equipment were used?

(a) ☐ Yes...Skip to 5.5.3 (b) ☐ No...Answer 5.5.2

FDR Page _____ Chapter _____

ERA- Page 12 1/79

5.5.2 What is the required equipment or procedures?

(a) Type of Control	(b) Manufacturer, If Applicable	(c) Size	(d) Design Efficiency	(e) Operational Efficiency	(f) Alternating Fuels	(g) Lead Time for Installation of Such Equipment
(1)						
(2)						
(3)						
(4)						

5.5.3 Have you attempted to locate appropriate pollution control equipment?

(a) ☐ Yes...Skip to 5.5.5 (b) ☐ No...Answer 5.5.4

5.5.4 What are the reasons for not locating such equipment?

(a) ☐ Other contractural obligations.

(b) ☐ Pending revisions to existing environmental requirements will determine nature of control equipment.

(c) ☐ Other: _____

Note: (1) If you are requesting a temporary exemption, answer 5.5.5 below.

(2) If you are requesting a permanent exemption, skip to 6.0.

5.5.5 Will installation and operation of such control equipment permit you to burn coal or alternate fuel in compliance with applicable environmental requirements at expiration of temporary exemption?

(a) ☐ Yes (b) ☐ No

6.0 APPLICABLE WATER REQUIREMENTS

6.1 What is the time period during which the standard will be violated after commencement of operation if coal or alternate fuel is used as a primary energy source? (Submit documentation substantiating such projections if this information is not included in the FDR).

(a) ☐ Less than 5 years (b) ☐ 5 years

(c) ☐ More than 5 years

6.2 What are the bodies of water, including underground aquifers, which would be affected by the powerplant or installation for which you are seeking an exemption?

(a) Name	(b) EIA or State Classification (Effluent Limited, Water Quality Limited)	(c) Number of Outfalls at Proposed Facility	(d) Briefly Indicate Location of such Outfalls	(e) Standards That Would be Violated		(f) Estimated Annual Exceedances of Projected Violation(s)	
				Federal	State	Federal	State
(1)							
(2)							
(3)							
(4)							
(5)							
(6)							

6.3 What is the name of water pollution control agency consulted in determining projected violation(s)?

(a) _____
Agency Name Street City

(b) _____
Contact Person at

(c) ( ) _____
Area Code, Telephone Number

6.4 Are the requirements with which applicant projects a violation being violated at present by other sources? (Submit documentation substantiating your answer if this information is not in the FDR.)

(a) ☐ Yes (b) ☐ No

6.5 Have you applied to the EPA or State water pollution control agency for a National Pollutant Discharge Elimination System Permit?

(a) ☐ Yes (b) ☐ No...When will application for NADES permit be made?

_____

6.6 Does permit application include proposed compliance with Best Available Technology and Best Conventional Treatment requirements?

(a) ☐ Yes (b) ☐ No

6.7 Has EPA or State water pollution control agency approved or denied the NPDES permit application?

(a) ☐ Approved...Answer 6.7.1 (b) ☐ Denied...Skip to 6.8

(c) ☐ Pending...What is the anticipated date of final action? _____
Answer 6.7.1

6.7.1 Does the permit include discharge caused by coal or alternate fuel combustion?

(a) ☐ Yes (b) ☐ No...Submit documentation substantiating your answer if this information is not in the FDR.

(Skip to 6.9)

6.8 What is the reason for permit denial?

_____

_____

_____

_____

6.9 Have you included in your Fuels Decision Report the location of existing monitoring stations for the affected water bodies?

(a) ☐ Yes...Page ____ Chapter _____ (b) ☐ No...Answer 6.9.1

6.9.1 Indicate location of existing monitoring stations for the affected water bodies.

_____ _____

7.0 SOLID WASTE REQUIREMENTS

7.1 What is the time period during which the standard will be violated after commencement of operation if coal or alternate fuel is used as a primary energy source? (Submit documentation substantiating such projections. This should include data on the volume and quality of the solid waste.)

(a) ☐ Less than 5 years (b) ☐ 5 years (c) ☐ More than 5 years

7.2 What is the name of the pollution control agency consulted in determining projected violation(s)?

(a) _____
Agency Name Street City

(b) _____
Contact Person at Agency

(c) ( ) _____
Area Code, Telephone Number

7.3 Is acreage for landfills available? (Submit documentation substantiating your answer if this information is not found in the FDR.)

(a) ☐ Yes (b) ☐ No

7.4 Have you selected a disposal site for the solid waste?

(a) ☐ Yes...Answer 7.5 (b) ☐ No...Skip to 7.6

7.5 (a) What are the design characteristics of the disposal site?

_____

(b) What is the size of the disposal site? _____

(c) What is the depth? _____

(d) What is the compaction? _____

(e) What are liners? _____

(f) What is the location? _____

(g) Is there ground water monitoring? (1) ☐ Yes (2) ☐ No

(h) What type of ground water monitoring is there? _____

_____

(Skip to 7.7)

7.6 What are the reasons for not selecting a site?

_____

_____

_____

_____

7.7 Have you analyzed expected solid wastes and scrubber sludge by the Extraction Procedure ?

(a) ☐ Yes...Submit copies of the studies if this information in the FDR.

(b) ☐ No...Why were such studies not conducted? _____

7.8 Is the plant of the disposal facility located in one of the following areas?

(a) ☐ Wetlands

(b) ☐ Floodplain (once in 100-year flood)

(c) ☐ Permafrost

(d) ☐ Active Fault Zone

(e) ☐ Karst Terrain

(f) ☐ Critical Habitat for any rare or endangered species

(g) ☐ Recharge zone for drinking water aquifer

(h) ☐ None of these

7.9 If you have checked one of (a) to (g) above, have you applied to EPA or the appropriate agency for the required permits? (Submit documentation substantiating your answer if this information is not in the FDR.)

(a) /_/ Yes (b) /_/ No

Enter any additional remarks in this space:

ERA-

Form Approved
OMB No.

U.S. DEPARTMENT OF ENERGY
Washington, D.C. 20461

EXEMPTION DUE TO AN INABILITY TO COMPLY
WITH APPLICABLE ENVIRONMENTAL REQUIREMENTS

DRAFT

Definitions for use in completing this form:

(1) Compliance Plan is defined as that schedule which has been proposed to bring units now in violation of applicable environmental regulations into compliance with such regulations. "End date" refers to that date by which the unit(s) will be in compliance with the regulation(s). "Determination" refers to the EPA or State agency's decision to approve or disapprove the proposed compliance plan.

(2) Attainment AQCR is defined as an AQCR in which emissions from the sources are not causing a violation of National Ambient Air Quality Standards. Standards have been set for 4 pollutants - SO_2, NO_x, TSP and photochemical oxidants. An AQCR may be an attainment AQCR for one pollutant and a nonattainment AQCR for another pollutant.

(3) Non-Attainment AQCR is defined as an AQCR in which emissions from the sources are causing a violation of National Ambient Air Quality Standards.

(4) The increment is defined as that amount of space between the actual current emissions of all sources in the AQCR and the point at which increases of these emissions would cause a violation of National Ambient Air Quality Standards. The "available" increment for your facility is that margin of the increment for which increased emissions from your proposed facility will contribute to overall emissions in the AQCR but will not cause a violation of standards. ERA assumes it is your responsibility to project such an "available increment" and notify EPA or the State air pollution control agency of your determinations.

(5) Lowest Achievable Emission Rate (LAER) is defined as that minimum amount of pollutants which can be emitted by your proposed facility if you utilize the maximum number of control mechanisms with the maximum efficiency. ERA assumes that you must determine the LAER for your proposed facility and then submit this LAER to EPA or the State air pollution control agency for their approval.

Under the offset policy you must determine the appropriate LAER and then negotiate agreements whereby the remaining emissions from your proposed facility will be offset by reductions in emissions of those pollutants from other units owned by your company or other companies in the AQCR.

(6) Permit refers to any letter of approval regarding your compliance with an environmental requirement which must be issued by a Federal or State agency before you can construct or operate your proposed facility.

DRAFT

Department of Energy
Economic Regulatory Administration
Petition for Exemption Due to
Inability to Comply with
Applicable Environmental Requirements

I. Authority/Purposes

This petition form is required, pursuant to the provisions of Title 10 of the Code of Federal Regulations, Parts 503.23 and 505.13 and Public Law 95-620, Powerplant and Industrial Fuel Use Act of 1978 (FUA), to complete a petition to the Economic Regulatory Administration (ERA) from the requirements of FUA due to an inability to comply with applicable environmental requirements. The information provided by the petition form will be used by ERA to perform the evaluation for ERA's grant or denial of the petition.

II. Who May Submit

Form ERA 306 must be submitted by owners of facilities subject to FUA requirements if they want an exemption from the FUA requirements due to an inability to simultaneously comply with FUA and applicable environmental requirements regulations.

III. To Whom

Submit Form ERA 306 in triplicate (3) to:

Department of Energy

Economic Regulatory Administration

2000 M Street, N. W., Room

Washington, D. C. 20461

IV. When to Report

The Form ERA 306 must be submitted to ERA when you submit your petition for exemption.

V. Section 1.0 IDENTIFICATION DATA

1.1 Facility Data (site):

This information pertains to the site where your facility will be located.

(a) Enter the name by which the facility is identified.

(b) Enter the projected street address of the unit.

(c) Enter the City, County and State in which the facility will be located and the ZIP Code of the address.

(d) Enter the specific identification of the proposed unit. For example, Boiler #234.

1.2 Operating Company Identification:

This information relates to the company which has the actual responsibility for the operation of the proposed unit. Included under the meaning of company is any individual corporation, company, partnership, association, firm, institution, society, trust, joint venture, stock company, or municipal, County, State or Federal entity.

(a) Enter the complete name of the company.

(b) Enter the street address of the company.

(c) Enter the City and State where the company is located and the ZIP Code for the address.

1.3 Contact Person Identification:

This information should relate to an individual who can be contacted if there are questions regarding the information contained in this petition.

(a) Enter the name of the individual.

(b) Enter the title by which the individual is identified in the company.

(c) Enter the area code and the telephone number at which the individual can be reached during normal working hours.

Sections 2.0 and 3.0-3.7 are self-explanatory.

VI. Section 4.0 - General Information

4.1 Self-explanatory

4.2 Enter the specific regulation(s) which were promulgated to ensure compliance with the standard(s) indicated in 4.1 and which would be violated by construction or use of coal or alternate fuel capability. This would include emissions limitations, NPDES permit parameters, etc.

4.3 Self-explanatory.

4.3.1 The question must be answered by completing the Table. In the "Permit" column, enter the general name of the Permit. Example: Prevention of Significant Deterioration Permit, Offset Permit. Indicate whether the U.S.E.P.A. or the appropriate State pollution control agency must issue the permit.

4.3.2 - 4.4 Self-explanatory.

4.5 Check the column which indicates the environmental medium for which permits must be obtained. Example: (Air, PSD permit)

4.5.1 You must indicate a reason for not acquiring the appropriate permit(s). If the correct explanation is not indicated on the Form, enter a brief explanation next to "Other."

4.6 - 4.6.1.1. Self-explanatory.

4.6.2 Indicate the regulation(s) which are now being violated - i.e., emission limitations.

4.6.3 - 4.6.4 Self-explanatory.

4.6.5 If EPA or the State agency has not finalized action on the units now in violation, indicate if you have proposed a compliance plan for these units to the State or EPA.

VII. Section 5.0 - Air Pollution Requirements

5.1 - 5.2 Self-explanatory.

5.3 If the area is an attainment area for certain pollutants and a nonattainment area for other pollutants, you are required to complete Section 5.3 regarding compliance with PSD regulations.

5.3.2 ERA assumes it is your responsibility to determine the available increment for your facility.

5.3.3 Compliance with PSD regulations and the permitted existing increment requires the source to install Best Available Control Technology. ERA assumes it is your responsibility to determine how you will comply with these requirements and to submit a proposed compliance plan to EPA or the State air pollution control agency.

5.3.4 Self-explanatory.

Section 5.4 - 5.5. Self-explanatory.

IX. Section 6.0 - Applicable Water Requirements

6.1 Self-explanatory.

6.2 - Indicate on a pollutant specific basis the projected annual number of exceedances of each standard that would be violated. Submit modeling studies to substantiate your determinations.

6.3 - 6.9.1 Self-explanatory.

X. Section 7.0 Solid Waste Requirements.

7.1 - 7.9 Self-explanatory.

ERA-307

Form Approved
OMB No.

U.S. DEPARTMENT OF ENERGY
Washington, D.C. 20461

DRAFT

INABILITY TO RAISE ADEQUATE CAPITAL EXEMPTION

If you are petitioning for a permanent exemption for a new powerplant or installation, your filing requirements include the General Exemption Form, a Fuels Decision Report (FDR), and this schedule.

A separate Inability to Raise Adequate Capital Exemption must be submitted for each unit for which you are seeking an exemption.

1.0 IDENTIFICATION INFORMATION

What is the name of the facility, operating company and the person responsible for this form?

1.1 Facility Date (Site):

(a) _____
Name

(b) _____
Unit Identification

1.2 Operating Company Identification

(a) _____
Name

1.3 Name of person responsible for this application:

(a) _____
Name

(b) _____
Title

(c) ( ) _____
Area Code, Telephone Number

1.4 Is the petitioner a subsidiary of a consolidated corporation?

(a) __ Yes . . . answer 1.5 and 1.6 (b) __ No . . . skip to 2.0

1.5 What is the name of the consolidated corporation?

_____

ERA-307

1.6 What are the other subsidiaries or affiliates of the parent company?

	(a)	(b)	(c)
(1) Name:			
(2) Address:			
(3) Name and Title of a contact person:			
(4) Telephone:			

2.0 CERTIFICATION

I certify that the information contained herein and appended hereto is true and accurate to the best of my knowledge.

Name	Title	Signature	Date
Name	Title	Signature	Date

Title 18, USC 1001, makes it a crime for any person knowingly and willingly to make to any Agency or Department of the United States any false, fictitious or fraudulent statements as to any matter within its jurisdiction.

3.0 Please list the alternate site /Fuel Combinations considered and the page and chapter in the FDR where these combinations are addressed.

(a) Cost Case	(b) Installation/Powerplant type and fuel Combinations	(c) Location and Site No.	(d) FDR Page	(d) FDR Chapter
Base	Proposed Oil or Gas Installation or Powerplant			
Alternate Cases:				
(1)				
(2)				
(3)				
(4)				
(5)				
(6)				
(7)				

ERA-307

3.0 Con't.

(a) Cost Case	(b) Installation/Powerplant type and fuel Combinations	(c) Location and Site No.	(d) FDR Page	Chapter
Alternate Cases: (8)				
(9)				
(10)				
(11)				
(12)				

Throughout this form please use the above cost case numbers as a reference to the fuel combination addressed.

Note: (1) In support of your Petition for Exemption you are required to address specific issues in your Fuels Decision Report (FDR). Complete the following questions to provide ERA with a summary of your responses and/or to indicate that such issues have been addressed. Indicate the page and chapter number where these issues are discussed in the FDR.

(2) If you are petitioning for an exemption for a new powerplant, answer section 4.0 below.

(3) If you are petitioning for an exemption for a new installation, skip to section 5.0.

4.0 SUPPORTING DOCUMENTATION FOR THE PROPOSED NEW POWERPLANT

As part of your Fuels Decision Report, where have you provided:	FDR Page	Chapter
4.1 A statement of the State regulatory authority's policies on utility capital structure and formation, on the recognition of allowance for funds used during construction (in the utility's net plant) and of construction work in progress (in the utility's rate base), and on the accounting procedure for recognizing tax credits (flow-through or normalized)?		
4.2 Relevant records pertaining to the utility's specific efforts to raise capital associated with the proposed powerplant?		
4.3 A five year history of the utility's capital structure recognizing specific security issues and their yields and investment ratings? Indicate where an issued security has specific ties to an on-line or scheduled generating unit?		

ERA-307

4.0 Con't.		
As part of your Fuels Decision Report, where have you provided:		FDR Page / Chapter
4.4 A five year summary of the utility's financial record as indicated by the standard financial indicators including cash earnings and dividend records, time interest coverage ratios, price-earnings ratios, and market to book value ratios?		
4.5 Projected changes in the utility's capital structure and financial indicators where the powerplant burns alternate fuel and oil or natural gas?		
Cost Case No. _____	Oil or natural gas	
Cost Case No. _____	Alternate Fuel	
Cost Case No. _____	Alternate Fuel	
Cost Case No. _____	Alternate Fuel	
Cost Case No. _____	Alternate Fuel	
4.6 A discussion of the changes to be made to the current FERC forms 1, 12 and/or 4?		
	Is there a change to this form? Yes / No	
(1) FERC Form 1		
(2) FERC Form 12		
(3) FERC Form 4		
4.7 A profit and loss statement and balance sheet as submitted to the State Public Utility Commission? Provide this data for both the petitioner and where applicable, the Consolidated Corporated (or Parent Company)		
(1) Petitioner		
(2) Consolidated Corporated (or Parent Company)		
4.8 A discussion on the number of rate increases you have applied for over the last five years, including the percent increase requested and the portion of the requested increase granted?		

4.0 Con't.

As part of your Fuels Decision Report, where have you provided:	FDR Page	FDR Chapter
4.9 A discussion on the petitioner's expectations of the cost of debt and cost of equity during the construction period for the proposed plant, including the expectation of general inflation?		
(1) What is the cost of equity? _____	_____	_____
(2) What is the cost of debt? _____	_____	_____
(3) What is expectation of inflation? _____	_____	_____
(Skip to section 6.0)		

5.0 SUPPORTING DOCUMENTATION FOR THE PROPOSED NEW INSTALLATION

As part of your Fuels Decision Report, where have you provided:	FDR Page	FDR Chapter
5.1 If you are part of an existing consolidated corporation, a three year summary of the financial record of the consolidated corporation, as indicated by the standard financial indicators including cash earnings and dividend records, time interest coverage ratios, price-earnings ratios, market to book value ratios?	_____	_____
5.2 If you are part of an existing consolidated corporation, a list of the corporation's annual investment expenditures for each of the last three years beginning with the most recent year for construction and non-construction?		

Year	(a) Construction	(b) Non-construction	(c) Total		
(1) Most Recent Year	_____	_____	_____	_____	_____
(2) Year 2	_____	_____	_____	_____	_____
(3) Year 3	_____	_____	_____	_____	_____
(4) Average	_____	_____	_____	_____	_____

5.3 If you are a new business firm, the relevant records, including the financial statements, pertaining to your specific efforts to raise capital associated with your proposed facility?	_____	_____
5.4 A discussion on the revisions, if any, to the most recent Form 10K, submitted to the Securities Exchange Commission?		
Are there revisions to Form 10K? __ Yes __ No	_____	_____

ERA-307 Page 5

ERA-307

5.0 Con't.		
As part of Your Fuels Decision Report, where have you provided:	FDR	
	Page	Chapter
5.5 A profit and loss statements and balance sheets for the past five years as submitted to the Securities Exchange Commission where applicable? This discussion should include data for both the petitioner and, where applicable, the Consolidated Corporated. If the most recent Form IOK submitted the SEC has the necessary information, a reference to indicate such is sufficient.		
(I) Petitioner		
(2) Consolidated Corporated (or Parent Company)		
5.5.I Form IOK has necessary data (a) __ Yes (b) __ No		
5.6 A discussion on the petitioner's expectations of the marginal (nominal) weighted cost of capital, the marginal nominal cost of debt, the marginal nominal cost of equity, and the expectation of general inflation?		
(I) What is the marginal (nominal) weighted cost of capital? _____		
(2) What is the marginal (nominal) cost of equity? _____		
(3) What is the marginal (nominal) cost of debt? _____		
(4) What is the expectation of general inflation? _____		

6.0 Capital Outlays - INVESTMENT COST DATA Check Appropriate Box ☐ Base Case ☐ Alternate Fuel Case _____ 6.1 (a) COST ITEM CATEGORIES	(b) Net Capital Outlay			(c) Investment Tax Credit		Fuels Decision Report	
	Amount Expressed in Non-inflated $(000)	Amount Expressed in inflated $(000)	Calendar Year of Outlay	Amount Expressed in Non-inflated $(000)	Amount Expressed in inflated $(000)	Page	Chapter
A. COST OF PURCHASED EQUIPMENT							
1. Boilers.							
2. Waste Heat Boilers.							
3. Combustion Turbines.							
4. Internal Combustin Engines.							
5. Steam Turbines.							
6. Generators.							
7. Flue Gas Desulfurization (FGD) System.							
a. Scrubber modules and ductwork.							
b. FGD system make up water pumps and motors.							
c. Reheaters, booster fans and motors.							
d. Sludge thickening and pumping equipment.							
e. Stack Lining.							
f. Electrical.							
g. Lime unloading equipment.							

ERA-307 Page 7

6.0 Capital Outlays-INVESTMENT COST DATA Check Appropriate Box ☐ Base Case ☐ Alternate Fuel Case _____ 6.1 (a) COST ITEM CATEGORIES	(b) Net Capital Outlay			(c) Investment Tax Credit		Fuels Decision Report	
	Amount Expressed in Non-inflated $(000)	Amount Expressed in inflated $(000)	Calendar Year of Outlay	Amount Expressed in Non-inflated $(000)	Amount Expressed in inflated $(000)	Page	Chapter
8. Electrostatic Precipitators.							
a. Precipitator.							
b. Ductwork.							
c. Power Supply.							
9. Fabric filters.							
a. Baghouse.							
b. Ductwork.							
c. Fans and Motors.							
10. Steam Condensers.							
11. Condensate Pumps.							
12. Feed Water Treatment and Storage Equipment.							
13. Mechanical Draft Cooling Towers.							
a. Tower.							
b. Cooling tower circulating pumps.							

ERA-307 Page 8

6.0 Capital Outlays _INVESTMENT COST DATA Check Appropriate Box ☐ Base Case ☐ Alternate Fuel Case _____ 6.1 (a) COST ITEM CATEGORIES	(b) Net Capital Outlay			(c) Investment Tax Credit		Fuels Decision Report	
	Amount Expressed in Non-inflated $(000)	Amount Expressed in inflated $(000)	Calendar Year of Outlay	Amount Expressed in Non-inflated $(000)	Amount Expressed in inflated $(000)	Page	Chapter
14. Wastewater Treatment.							
a. Bottom Ash Sludge System.							
b. Coal pile runoff collection system.							
c. Recycle water pumping.							
d. Sludge lagoon.							
e. Electrical.							
15. Fuel Oil Storage Tanks and Pumps.							
16. Land Costs.							
17. Fly Ash Disposal System.							
18. Stack.							

ERA-307 Page 9

ERA 307 Page 10

6.0 Capital Outlays INVESTMENT COST DATA

Check Appropriate Box ☐ Base Case ☐ Alternate Fuel Case _____

6.1 (a) COST ITEM CATEGORIES	(b) Net Capital Outlay			(c) Investment Tax Credit		Fuels Decision Report	
	Amount Expressed in Non-inflated $(000)	Amount Expressed in inflated $(000)	Calendar Year of Outlay	Amount Expressed in Non-inflated $(000)	Amount Expressed in inflated $(000)	Page	Chapter
19. Coal Handling System							
a. Rail System							
b. Barge System							
c. Car and Barge Unloading System							
d. Conveyors							
e. Silos or Bunkers							
f. Pulverizers							
.General Structural and Civil Costs							
1. Site Work							
2. Coal Supply System							
3. Flue Gas Desulfurization System							
4. Site Utilities							
5. Buildings and Enclosures							
6. Precipitator and Bag House Installation							
7. Ductwork and Stack							
8. Mechanical Piping							
9. Condensor Cooling System							
10. Bottom Ash Disposal System							
11. Fly Ash Disposal System							

6.0 Capital Outlays - INVESTMENT COST DATA	(b) Net Capital Outlay			(c) Investment Tax Credit		Fuels Decision Report	
Check Appropriate Box ☐ Base Case ☐ Alternate Fuel Case _____							
6.1 (a) COST ITEM CATEGORIES	Amount Expressed in Non-inflated $(000)	Amount Expressed in Inflated $(000)	Calendar Year of Outlay	Amount Expressed in Non-inflated $(000)	Amount Expressed in inflated $(000)	Page	Chapter
12. Electrical Work							
13. Equipment Foundations							
C. Indirect Costs							
D. Engineering Costs							
E. Contingency Costs							
F. Interest During Construction							
TOTAL Capital Outlays							

ERA-307 Page 11

ERA-307

6.0 Con't.			
6.2 What is the cost of the annual operation and maintenance of the Non-Air Pollution Control Equipment (NON-APCE)?	Cost $____	FDR Page	Chapter
(I) Operating Cost (Itemize, such as Labor) _____ _____ _____	____	____	____
(2) Maintenance (Itemize) _____ _____ _____	____	____	____
6.2.I What is the total cost of Operation and Maintenance?	____	____	____
6.3 What is the cost of the annual operation and maintenance of the Air Pollution Control Equipment (APCE)?			
(I) Operating Cost (Itemize) _____ _____ _____	____	____	____
(2) Maintenance (Itemize) _____ _____ _____	____	____	____
6.3.I What is the total cost of Operation and Maintenance?	____	____	____
6.4 What is the annual Fuel Cost? (Itemize)			
(I) Fuel: _____	____	____	____
(2) Fuel: _____	____	____	____
(3) Fuel: _____	____	____	____
6.4.I What is the total annual Fuel Cost?	____	____	____

ERA-307

6.0a Con't.			
6.2 What is the cost of the annual operation and maintenance of the Non-Air Pollution Control Equipment (NON-APCE)?	Cost $____	FDR Page	Chapter
(I) Operating Cost (Itemize, such as Labor) _____ _____ _____	____	____	____
(2) Maintenance (Itemize) _____ _____ _____	____	____	____
6.2.I What is the total cost of Operation and Maintenance?	____	____	____
6.3 What is the cost of the annual operation and maintenance of the Air Pollution Control Equipment (APCE)?			
(I) Operating Cost (Itemize) _____ _____ _____	____	____	____
(2) Maintenance (Itemize) _____ _____ _____	____	____	____
6.3.I What is the total cost of Operation and Maintenance?	____	____	____
6.4 What is the annual Fuel Cost? (Itemize)			
(I) Fuel: _____	____	____	____
(2) Fuel: _____	____	____	____
(3) Fuel: _____	____	____	____
6.4.I What is the total annual Fuel Cost?	____	____	____

ERA-307

6.0b INVESTMENT COST DATA FOR PROPOSED FACILITY AND ALTERNATE FUEL BURNING CASES (For any cases not discussed in schedules A or B). Cost Case No. _____			
6.I What is the cost for the New Facility?	Cost $____	FDR Page	Chapter
(I) Feasibility Study	_____	_____	_____
(2) Land and Land Rights	_____	_____	_____
(3) Fuel Handling System	_____	_____	_____
(4) Facility Building Superstructure	_____	_____	_____
(5) Steam Turbine	_____	_____	_____
(6) Generator	_____	_____	_____
(7) Boiler	_____	_____	_____
(8) Internal Combustion Engine	_____	_____	_____
(9) Transformer and Switchyard	_____	_____	_____
(I0) Air Pollution Control Equipment	_____	_____	_____
(II) Other Pollution Control Equipment	_____	_____	_____
(I2) Electrical	_____	_____	_____
(I3) Other Structual Parts and Material	_____	_____	_____
(I4) Engineering	_____	_____	_____
(I5) Design and Construction	_____	_____	_____
(I6) Overhead	_____	_____	_____
(I7) Interest During Construction	_____	_____	_____
(I8) Other Major Costs (Itemize) _____ _____ _____ _____	_____	_____	_____
(I9) Miscellaneous Costs (Itemize) _____ _____ _____	_____	_____	_____
6.I.I What is total cost of the new facility?	_____	_____	_____

ERA-307

6.0b Con't.			
6.2 What is the cost of the annual operation and maintenance of the Non-Air Pollution Control Equipment (NON-APCE)?	Cost $____	FDR Page	Chapter
(I) Operating Cost (Itemize, such as Labor) _____ _____ _____	____	____	____
(2) Maintenance (Itemize) _____ _____ _____	____	____	____
6.2.I What is the total cost of Operation and Maintenance?	____	____	____
6.3 What is the cost of the annual operation and maintenance of the Air Pollution Control Equipment (APCE)?			
(I) Operating Cost (Itemize) _____ _____ _____	____	____	____
(2) Maintenance (Itemize) _____ _____ _____	____	____	____
6.3.I What is the total cost of Operation and Maintenance?	____	____	____
6.4 What is the annual Fuel Cost? (Itemize)			
(I) Fuel: _____	____	____	____
(2) Fuel: _____	____	____	____
(3) Fuel: _____	____	____	____
6.4.I What is the total annual Fuel Cost?	____	____	____

7.0 ESTIMATION OF HOW CAPITAL WILL BE RAISED AND WHAT PERCENTAGE EACH FINANCING METHOD WILL CONTRIBUTE TO PAYING FOR THE INVESTMENT

Cost Case No. _____

	Percentage of Financing	Marginal Cost of Capital	FDR Reference Page	FDR Reference Chapter
(I) Bonds	_____%	_____%	_____	_____
(2) Perfered Stock	_____%	_____%	_____	_____
(3) Common Stock	_____%	_____%	_____	_____
(4) Retained Earnings	_____%	_____%	_____	_____
(5) Other, specify: _____	_____%	_____%	_____	_____
(6) Total:	I00%	_____%	_____	_____
7.I What is the Moody rating for the bonds?		_____	_____	_____
7.2 What is the Moody rating for the preferred stock?		_____	_____	_____

7.0a ESTIMATION OF HOW CAPITAL WILL BE RAISED AND WHAT PERCENTAGE EACH FINANCING METHOD WILL CONTRIBUTE TO PAYING FOR THE INVESTMENT

Cost Case No. _____

	Percentage of Financing	Marginal Cost of Capital	FDR Reference Page	FDR Reference Chapter
(I) Bonds	_____%	_____%	_____	_____
(2) Perfered Stock	_____%	_____%	_____	_____
(3) Common Stock	_____%	_____%	_____	_____
(4) Retained Earnings	_____%	_____%	_____	_____
(5) Other, specify: _____	_____%	_____%	_____	_____
(6) Total:	I00%	_____%	_____	_____
7.I What is the Moody rating for the bonds?		_____	_____	_____
7.2 What is the Moody rating for the preferred stock?		_____	_____	_____

ERA-307 Page 16

ERA-307

7.0b ESTIMATION OF HOW CAPITAL WILL BE RAISED AND WHAT PERCENTAGE EACH FINANCING METHOD WILL CONTRIBUTE TO PAYING FOR THE INVESTMENT

Cost Case No. _____

	Percentage of Financing	Marginal Cost of Capital	FDR Reference Page	FDR Reference Chapter
(I) Bonds	_____%	_____%	_____	_____
(2) Perfered Stock	_____%	_____%	_____	_____
(3) Common Stock	_____%	_____%	_____	_____
(4) Retained Earnings	_____%	_____%	_____	_____
(5) Other, specify: _____	_____%	_____%	_____	_____
(6) Total:	I00%	_____%	_____	_____
7.I What is the Moody rating for the bonds?		_____	_____	_____
7.2 What is the Moody rating for the preferred stock?		_____	_____	_____

7.0c ESTIMATION OF HOW CAPITAL WILL BE RAISED AND WHAT PERCENTAGE EACH FINANCING METHOD WILL CONTRIBUTE TO PAYING FOR THE INVESTMENT

Cost Case No. _____

	Percentage of Financing	Marginal Cost of Capital	FDR Reference Page	FDR Reference Chapter
(I) Bonds	_____%	_____%	_____	_____
(2) Perfered Stock	_____%	_____%	_____	_____
(3) Common Stock	_____%	_____%	_____	_____
(4) Retained Earnings	_____%	_____%	_____	_____
(5) Other, specify: _____	_____%	_____%	_____	_____
(6) Total:	I00%	_____%	_____	_____
7.I What is the Moody rating for the bonds?		_____	_____	_____
7.2 What is the Moody rating for the preferred stock?		_____	_____	_____

ERA-307

8.0 INFORMATION ON THE TAXES FOR ALTERNATE FUEL BURNING CASE Cost Case No. _____	
8.I What is the estimated marginal tax rate associated with this investment?	FDR Page / Chapter
(I) Federal Taxes _____ %	_____ / _____
(2) State Taxes _____ %	_____ / _____
(3) Local Taxes _____ %	_____ / _____
8.2 What is the estimation of the annual cost of insurance, property taxes, and miscellaneous expenses as a percentage of total investment?	
(I) Insurance _____ %	_____ / _____
(2) Property Taxes _____ %	_____ / _____
(3) Misc. Taxes _____ %	_____ / _____

8.0a INFORMATION ON THE TAXES FOR ALTERNATE FUEL BURNING CASE Cost Case No. _____	
8.I What is the estimated marginal tax rate associated with this investment?	FDR Page / Chapter
(I) Federal Taxes _____ %	_____ / _____
(2) State Taxes _____ %	_____ / _____
(3) Local Taxes _____ %	_____ / _____
8.2 What is the estimation of the annual cost of insurance, property taxes, and miscellaneous expenses as a percentage of total investment?	
(I) Insurance _____ %	_____ / _____
(2) Property Taxes _____ %	_____ / _____
(3) Misc. Taxes _____ %	_____ / _____

ERA-307

8.0b INFORMATION ON THE TAXES FOR ALTERNATE FUEL BURNING CASE

Cost Case No. _____

8.I What is the estimated marginal tax rate associated with this investment?		FDR Page	FDR Chapter
(I) Federal Taxes	_____ %	_____	_____
(2) State Taxes	_____ %	_____	_____
(3) Local Taxes	_____ %	_____	_____
8.2 What is the estimation of the annual cost of insurance, property taxes, and miscellaneous expenses as a percentage of total investment?			
(I) Insurance	_____ %	_____	_____
(2) Property Taxes	_____ %	_____	_____
(3) Misc. Taxes	_____ %	_____	_____

8.0c INFORMATION ON THE TAXES FOR ALTERNATE FUEL BURNING CASE

Cost Case No. _____

8.I What is the estimated marginal tax rate associated with this investment?		FDR Page	FDR Chapter
(I) Federal Taxes	_____ %	_____	_____
(2) State Taxes	_____ %	_____	_____
(3) Local Taxes	_____ %	_____	_____
8.2 What is the estimation of the annual cost of insurance, property taxes, and miscellaneous expenses as a percentage of total investment?			
(I) Insurance	_____ %	_____	_____
(2) Property Taxes	_____ %	_____	_____
(3) Misc. Taxes	_____ %	_____	_____

ERA-307

9.0 FINANCIAL STATEMENT INFORMATION FOR COMPANY IN THE CONSOLIDATED CORPORATION OWNING FACILITY

9.I From Latest Annual Report (Year End) From Balance Sheet (Net of Accumulated Depreciation)

	Amount	% of Total Capitalization	FDR Reference Page	FDR Reference Chapter
(I) Long Term Debt				
(2) Preferred Stock				
(3) Common Stock				
(4) Retained Earnings				
(5) Total Capitalization				
(6) Common Shares Outstanding at Year End				
(7) Current Assets				
(8) Current Liabilities				
(9) Working Capital				

9.2 From Statement of Changes in Financial Position

	Cost $	FDR Page	FDR Chapter
(I) Investments in Property and Plant During Year			
(Data from income statement which is summarized into the following format:) (2) Operating Revenues			
(3) Fuel Costs			
(4) Other Operating Expenses			
(5) Depreciation			
(6) Federal Income Taxes			
(7) Interest Charges			
(8) Allowance for Funds used During Construction			
(9) Net Income			
(I0) Preferred Dividends			
(a) Earnings Available for Common			

ERA-307

9.0 Con't.			
9.2 From Statement of Changes in Financial Position	Cost $ _____	FDR Page	Chapter
(I1) Common Dividends	_____	_____	_____
(I2) Other Changes	_____	_____	_____
(a) Increase (Decrease) in Retained Earnings	_____	_____	_____
(I3) Weighted Average Common Shares Outstanding	_____	_____	_____
(I4) Earnings per Common Share	_____	_____	_____
9.3 (For Powerplants only:) From Elsewhere in Annual Report			
Kilowatt Hour Sales (in thousands)	_____	_____	_____

Notes: (I) If you have considered additional alternate site/fuel combinations from those in Part 2.I of Schedule A or B (the additiona combinations used in section 3.0 of this form), answer section I0.0 below.
(2) If you have not considered additional alternate site/fuel combinations from those in Part 2.I of Schedule A or B, skip to section II.0.

I0.0 ADDITIONAL ALTERNATE SITE/FUEL COMBINATION INFORMATION

Where in your Fuels Decision Report have you provided:	FDR Page	Chapter
I0.I A discussion on the useful life for the power plant?	_____	_____
I0.I.I Are you assuming a useful life other than 35 years? (a) __ Yes (b) __ No		
I0.2 A detailed accounting of all major construction and equipment, including all critical assumptions and sufficient data to support your estimates?	_____	_____
I0.3 A detailed accounting of all delivered fuel expenditures, including critical assumptions and sufficient data to support your estimates?	_____	_____
I0.4 The power plant design capacity and the heat input rate for each fuel considered?	_____	_____
I0.5 The timing of capital outlays?	_____	_____
I0.6 The engineering details?	_____	_____

ERA –307

11.0 TOTAL INVESTMENT CAPITAL DATA

11.1 Capital Requirements

*Cost Case Number	Description	Alternate Fuel Facility ($ 000) (a)	Proposed Facility ($ 000) (b)	Additional Capital Required ($ 000) (c)

*Cost Case Number=Case x compared to base case.

Note: (1) If you are a subsidiary or part of an existing consolidated corporation, answer section 11.2 below.

(2) If you are not a subsidiary or part of an existing consolidated corporation, skip to section 11.3.

11.2 Total Annual Capital Budget Expenditures

Name of your consolidated corporation	Total Annual Expenditures for the past 3 Years			
	Prior Year	2nd Prior Year	3rd Prior Year	Average of past 3 years

11.3 Annual Capital Expenditures for Construction

Name of Entity Expenditures	Occuring Total Annual Expenditures for the Past 3 Years			
	Prior Year	2nd Prior Year	3rd Prior Year	Average of past 3 years

ERA–307

12.0 ANNUAL ESTIMATED CAPITAL OUTLAYS FOR POWERPLANT/INSTALLATION FACILITY (Actual or Burden)

Cost Case Number	Case Description	Annual Construction Expenditures ($ 000)							
		19 ___	19 ___	19 ___	19 ___	19 ___	19 ___	19 ___	Total
Base	Proposed Plant								

13.0 ANNUAL ESTIMATED ADDITIONAL CAPITAL REQUIRED FOR AN ALTERNATE FUEL FACILITY BEYOND REQUIRED FOR PROPOSED FACILITY

Cost Case Number*	Description	Additional Annual Construction Expenditures** ($ 000)							
		19 ___	19 ___	19 ___	19 ___	19 ___	19 ___	19 ___	Total

* Cost case=case x compared to base case

**Additional annual constructio n expenditures (AACE)=alternate case ACE–base case ACE

ERA–307 Page 23

FEDERAL REGISTER, VOL. 44, NO. 30—MONDAY, FEBRUARY 12, 1979

ERA–307

13.1 Estimated Total Capital Required by the Financing Entity							
Annual Capital Expenditures ($ 000)							
19 ___	19 ___	19 ___	19 ___	19 ___	19 ___	19 ___	19 ___

13.2 Estimated Total Construction Capital Required by the Financing Entity							
Annual Capital Expenditures ($ 000)							
19 ___	19 ___	19 ___	19 ___	19 ___	19 ___	19 ___	19 ___

ERA--307

Cost Case Number _____

14.0 ESTIMATED ADDITIONAL CAPITAL FINANCING REQUIRED FOR ALTERNATE FUEL FACILITY BEYOND FINANCING REQUIRED FOR PROPOSED FACILITY									
Financing Entity	Financing Instrument	Total Annual Capital Financing/Year Occurs ($ 000)							
		19___	19 ___	19___	19 ___	19 ___	19 ___	19___	Total
Consolidated Corporation/parent									
	Debt/Bonds								
	Prepared Stock								
	Common Stock								
	Retained Earnings								
	Other:_____								
Company Owning Facility									
	Debt/Bonds								
	Prepared Stock								
	Common Stock								
	Retained Earnings								
	Other Financing Instrument								
	Total								

ERA-307 Page 25

ERA-—307

Cost Case Number _____

14.0a ESTIMATED ADDITIONAL CAPITAL FINANCING REQUIRED FOR ALTERNATE FUEL FACILITY BEYOND FINANCING REQUIRED FOR PROPOSED FACILITY

Financing Entity	Financing Instrument	Total Annual Capital Financing/Year Occurs ($ 000)							
		19___	19 ___	19___	19 ___	19 ___	19 ___	19___	Total
Consolidated Corporation/parent									
	Debt/Bonds								
	Prepared Stock								
	Common Stock								
	Retained Earnings								
	Other:_____								
Company Owning Facility									
	Debt/Bonds								
	Prepared Stock								
	Common Stock								
	Retained Earnings								
	Other Financing Instrument								
	Total								

ERA-307 Page 26

ERA--307

Cost Case Number _____

14.0b ESTIMATED ADDITIONAL CAPITAL FINANCING REQUIRED FOR ALTERNATE FUEL FACILITY BEYOND FINANCING REQUIRED FOR PROPOSED FACILITY

Financing Entity	Financing Instrument	Total Annual Capital Financing/Year Occurs ($ 000)							
		19__	19 __	19__	19 __	19 __	19 __	19__	Total
Consolidated Corporation/parent									
	Debt/Bonds								
	Prepared Stock								
	Common Stock								
	Retained Earnings								
	Other:_____								
Company Owning Facility									
	Debt/Bonds								
	Prepared Stock								
	Common Stock								
	Retained Earnings								
	Other Financing Instrument								
	Total								

ERA–307 Cost Case Number _____

15.0 ESTIMATED CAPITAL FINANCING FOR ALTERNATE FUEL FACILITY

Financing Entity	Financing Instrument	Total Annual Capital Financing Occurs/Year Occurs ($ 000)							
		19__	19__	19__	19__	19__	19__	19__	19__
Consolidated Corporation/parent									
	Debt/Bonds								
	Prepared Stock								
	Common Stock								
	Retained Earnings								
	Other:_____								
Company Owning Facility									
	Debt/Bonds								
	Prepared Stock								
	Common Stock								
	Retained Earnings								
	Other Financing Instrument								
	Total								

ERA-307 Page 28

ERA–307

Cost Case Number _____

15.0a ESTIMATED CAPITAL FINANCING FOR ALTERNATE FUEL FACILITY

Financing Entity	Financing Instrument	Total Annual Capital Financing Occurs/Year Occurs ($ 000)							
		19__	19__	19__	19__	19__	19__	19__	19__
Consolidated Corporation/parent									
	Debt/Bonds								
	Prepared Stock								
	Common Stock								
	Retained Earnings								
	Other:_____								
Company Owning Facility									
	Debt/Bonds								
	Prepared Stock								
	Common Stock								
	Retained Earnings								
	Other Financing Instrument								
	Total								

ERA-307

Page 29

ERA–307

Cost Case Number ____

15.0b ESTIMATED CAPITAL FINANCING FOR ALTERNATE FUEL FACILITY

Financing Entity	Financing Instrument	Total Annual Capital Financing Occurs/Year Occurs ($ 000)							
		19___	19 ___	19___	19 ___	19 ___	19 ___	19___	19_
Consolidated Corporation/parent									
	Debt/Bonds								
	Prepared Stock								
	Common Stock								
	Retained Earnings								
	Other:_____								
Company Owning Facility									
	Debt/Bonds								
	Prepared Stock								
	Common Stock								
	Retained Earnings								
	Other Financing Instrument								
	Total								

ERA-307 Page

ERA–307

16.0 ESTIMATED CAPITAL FINANCING FOR PROPOSED FACILITY (Base Case)

Financing Entity	Financing Instrument	Total Annual Capital Financing Occurs/Year Occurs ($ 000)							
		19___	19___	19___	19___	19___	19___	19___	Total
Consolidated Corporation/parent									
	Debt/Bonds								
	Prepared Stock								
	Common Stock								
	Retained Earnings								
	Other:_____								
Company Owning Facility									
	Debt/Bonds								
	Prepared Stock								
	Common Stock								
	Retained Earnings								
	Other Financing Instrument								
	Total								

ERA-307 Page 3

ERA-

Form Approved
OMB No._____

U.S. DEPARTMENT OF ENERGY
Washington, D. C. 20461

DRAFT

PERMANENT EXEMPTION FOR NEW POWERPLANTS
AND NEW INSTALLATIONS DUE TO CERTAIN STATE OR LOCAL REQUIREMENTS

If you are petitioning for a Permanent Exemption due to certain state or local requirements for a new powerplant or a new installation, your filing requirements include the appropriate General Exemption Form, a Fuels Decision Report, the appropriate schedules and this form. All evidence required for an Alternative Site Requirement must accompany the petition in the case of powerplants.

A separate permanent exemption form for new powerplants and new installations must be submitted for each unit for which you are seeking an exemption.

1.0 IDENTIFICATION INFORMATION

What is the name of the facility, operating company and the person responsible for this form?

1.1 Facility Data (site):

(a) _____
Name

(b) _____
Unit Identification

1.2 Operating Company Identification:

(a) _____
Name

1.3 Name of person in your company to whom questions regarding this petition may be directed if different from the General Form:

(a) _____
Name

(b) _____
Title

(c) ( ) _____
Area Code, Telephone Number

2.0 CERTIFICATION

I certify that the information contained herein and appended hereto is true and accurate to the best of my knowledge.

Name	Title	Signature	Date
Name	Title	Signature	Date

Title 18, USC 1001, makes it a crime for any person knowingly and willingly to make to any Agency or Department of the United States any false, fictitious or fraudulent statements as to any matter within its jurisdiction.

ERA-308 Page 1

3.0 What is the Title, Citation and Date of Enactment of the pertinent State or local requirement that you believe makes infeasible the operation or construction of your proposed facility using an alternate fuel? (Attach a copy of the requirement and a copy of the legislative history, if applicable, relating to this requirement.)	a. Title _____ b. Citation _____ c. Date of Enactment _____ d. Effective Data _____ FDR REFERENCE e. Page _____ f. Chapter _____
4.0 What is the name and location of the administrative body which implements this requirement?	a. Name _____ b. Street _____ c. City _____ d. State _____ e. Zip _____ f. Telephone _____
5.0. Are there any provisions in the requirement you have identified in 3.0 above which establish procedures for obtaining waivers or variances from the provisions that you believe make the operation or construction of your facility using an alternate fuel infeasible?	a. ☐ YES - Answer 5.0.b ☐ NO - Skip to 5.0.c
5.1 What is the subparagraph for that provision?	Citation _____
5.2 What is the page and chapter number in your Fuels Decision Report where you address all the efforts you have made to obtain a waiver or variance from the pertinent state or local authority or have attempted to change the law?	FDR REFERENCE a. Page _____ b. Chapter _____
5.3. Have you applied for a waiver or variance under the provision identified in 3.0 above?	a. ☐ YES - Answer 5.0 e, 5.0 f and 5.0 g below. b. ☐ NO - Do not continue with this form.
5.4 What is the status of that waiver application?	a. ☐ Granted b. ☐ Denied c. ☐ Pending
5.5. What is the date for a decision on the waiver or variance?	Date _____
5.6 What administrative body is handling the case?	a. Name _____ b. Contact Person _____ c. Phone _____

ERA-308 Page 2

6.0 What is the page and chapter in your Fuels Decision Report where you address the following:	a. Page	b. Chapter
6.1 Description of any activities you were involved in pertaining to the enactment of the requirement.		
6.2 Description of equipment, procedures, advance planning time and costs necessary to comply with the requirement.		
6.3 Detailed description of why compliance is infeasible.		
6.4 The impact upon you and/or your local community, if any, should your petition be denied.		
6.5 An explanation of why granting this exemption would be in the public interest.		
6.6 An analysis of why you cannot qualify for any of the following Permanent Exemptions: o Lack of alternate Fuel Supply for 10 years. o Lack of Alternate Fuel Supply at a Reasonable Cost o Site Limitations o Environmental Requirements o Adequate Capital		

NOTES:

ERA-308 Page 3

DRAFT

DEPARTMENT OF ENERGY ECONOMIC REGULATORY ADMINISTRATION PERMANENT EXEMPTION FOR NEW POWERPLANTS AND NEW INSTALLATIONS DUE TO CERTAIN STATE OR LOCAL REQUIREMENTS

INSTRUCTIONS

I. Authority/Purposes. This form is required, pursuant to the provisions of Title 10 of the Code of Federal Regulations, Part 503.36 and 505.26, Public Law 95-620, Powerplant and Industrial Fuel Use Act of 1978 (FUA), to complete a petition to the Economic Regulatory Administration (ERA) for exemption from the prohibitions imposed under Title II of FUA due to Certain State or Local Requirements and will be used by ERA to evaluate a petitioner's eligibility for such exemption.

II. Who may submit. Form ERA-308 may be submitted by owners of new powerplants and new installations, or for units classified as "new," where the petitioner maintains that:

a. With respect to the proposed site of the new powerplant or new installation, the construction or operations of such a facility using coal or any other alternate fuel is infeasible because of a State or local requirements (other than a building code or a nuisance or zoning law);

b. In the case of a new powerplant, there is no reasonable alternate site for such powerplant which meets the criteria set forth in Title II, Subtitle B of FUA; and

c. The granting of the exemption would be in the public interest and would be consistent with the purposes of this Act.

III. To Whom. Submit Form ERA-308 and all accompanying docuements in triplicate (3) to:

Department of Energy
Economic Regulatory Administration
2000 M Street, N.W., Room _____
Washington, D.C. 20461

(b) If you are filing a petition under this part on behalf of a wholly-owned subsidiary, then the requirements of (a) above shall apply to the subsidiary and to the parent corporation as well. (Four signatures may be requiried.)

3.0 The State or local requirement preventing the use of alternate fuel(s):

(a) and (b) Provide a copy of the pertinent State or local requirement and its legislative history.

(c) Give the date this State or local law was passed and (d), the date it becamse effective.

(e) and (f) Give the page and chapter numbers in your Fuels Decision Report where this State or local law that you cited and your discussion of how it prevents you from using coal or alternate fuels appears.

4.0 Give name and location of the administrative body which implements this requirement.

(a) Give the exact name of the State or local regulatory body, agency, or office that is responsible for implementing this law.

(b)(c)(d)(e) and (f) Enter the full name of the street, City, State, Zip Code and the telephone number of this administrative body.

5.0 Obtaining waivers/variances from a State or local requirement.

5.1 (a) If there is a provision for a waiver or variance that would allow you to use coal or other alternate fuels, check "yes." If there is none, check "no."

(b) If you checked "yes" in 5.1, cite the name of the provision which pertains to a waiver/variance to burn alternate fuels.

IV. Labeling. "Exemption for New Powerplant" or "Exemption for New Installation," as the case may be, should be clearly labeled on the outside of the envelope in which the petition is transmitted.

V. When to file. A petition for exemption(s) may be filed at any time after May 8, 1979.

VI. Section 1.0 Identification Information.

1.1 Facility Data (Site):

(a) Enter the name by which the facility site is identified.

(b) Enter the specific identification of the unit. For example, boiler #234.

1.2 Operating Company Identification:

This information relates to the company which had the actual responsibility for the operation of the facility. Included under the meaning of company is any individual corporation, company, partnership, association, firm, institution, society, trust, joint venture, stock company, or County, State or Federal entity.

1.3 Contact Person Identification:

This information should relate to the individual who can be contacted if there are questions regarding the information contained in this petition.

(a) Enter the name of the individual.

(b) Enter the title by which the individual is identified in the company.

(c) Enter the area code and the telephone number at which the individual can be reached during normal working hours.

2.0 Certification:

(a) If you file a petition under this part on behalf of a corporation, the Chief Executive Officer of the company and the Chairman of the Board shall attest in writing to the accuracy of all information contained in or appended to your petition.

5.2 Cite the page and chapter numbers in your Fuels Decision Report where you demonstrate your good faith efforts to obtain a waiver/variance from the provisions of the State or local requirement which prevents you from burning alternate fuels. This section should include all methods you undertook in order to obtain a waiver/variance.

5.3 Check (a) "yes" if you have applied for a waiver/variance from the provisions of the State or local requirement.

5.4 Indicate the status of your request for waiver/variance by checking either (a) "granted," (b) "denied," or (c) "pending." If your request for a waiver/variance was denied, cite the page and chapter numbers in your FDR where you have provided full documentation, citing all reasons or circumstances under which your application was denied, including the name and address of the administrative body responsible for the denial and the name of a contact and phone number.

5.5 Provide the date the application for waiver/variance was initially filed.

5.6 Give (a), the name, (b), the contact person, and (c), the phone number of the administrative body handling your application for waiver/variance.

6.0 Cite the page and chapter numbers in your Fuels Decision Report where you provided information to the following questions:

6.1 Report any involvement you may have had relating to the passage/enactment of the State or local law preventing you from burning coal or another alternate fuel.

6.2 Specify what equipment, procedures, leadtimes and costs are necessary to comply with this State or local law.

6.3 Specify why compliance with this State or local requirement makes it infeasible to construct and/or operate with coal or other alternate fuels.

6.4 Address the impact upon you and/or your local community, if any, if your petition is denied. This section of your Fuels Decision Report should fully describe any environmental impacts, engineering problems, site limitations or other technical considerations that may cause an adverse impact upon you or your local community if you burn coal or other alternate fuels.

6.5 Explain why the granting of this exemption would be in the "public interest." The reason you cite should include a full explanation as to how this State or local requirement affects the general public such as: health and safety, available water, waste disposal, severe economic problems or any other problems that would affect the general public in a severe or adverse manner if such facility is denied an exemption.

6.6 Demonstrate that you are ineligible for a permanent exemption based on lack of alternate fuel supply, site limitations, environmental requirements, or inability to obtain adequate capital. If applicable, cite in your FDR other exemptions applied for and whether granted or denied.

ERA-

U.S. DEPARTMENT OF ENERGY
Washington, D.C. 20461

Form Approved
OMB No. _____

DRAFT

PERMANENT EXEMPTION FOR COGENERATION
FOR
NEW POWERPLANTS AND NEW INSTALLATIONS

If you are petitioning for a Permanent Exemption for a new powerplant or a new installation, your filing requirements include the appropriate General Exemption Form, a Fuels Decision Report, this form, and the appropriate schedules.
A separate Cogeneration Exemption form must be submitted for each unit for which you are seeking an exemption.

1.0 Identification Information

What is the name of the facility, operating company and the person responsible for this form?

1.1 Facility Data (Site):
(a) Name: _____
(b) Unit Identification: _____

1.2 Operating Company Identification
(a) Name: _____

1.3 Name of person in your company to whom questions regarding this petition may be directed if different from the General Form:

(a) Name: _____

(b) Title: _____

(c) Telephone number: ( ) - _____

2.0 Certification

I certify that the information contained herein and appended hereto is true and accurate to the best of my knowledge.

Name	Title	Signature	Date
Name	Title	Signature	Date

Title 18, USC 1001, makes it a crime for any person knowingly and willingly to make to any Agency or Department of the United States any false, fictitious or fraudulent statements as to any matter within its jurisdiction.

2.0 FACILITY INFORMATION

2.1 What type of Utility is this?

(a) ☐ Investor Owned
(b) ☐ Cooperative
(c) ☐ Federal
(d) ☐ State
(e) ☐ Municipal
(f) ☐ Other _____

2.2 In what electric region are you located? (See instructions for coding.)

(a) ☐ APS
(b) ☐ AEP
(c) ☐ NEPOOL
(d) ☐ NYPP
(e) ☐ PJM
(f) ☐ CEC
(g) ☐ FCG
(h) ☐ MSU
(i) ☐ SC
(j) ☐ GSG
(k) ☐ TVA
(l) ☐ VACAR
(m) ☐ CAPCO
(n) ☐ CCD
(o) ☐ KG
(p) ☐ IG
(q) ☐ ILLMO
(r) ☐ MECS
(s) ☐ WUMS
(t) ☐ MAPP
(u) ☐ MOKAN
(v) ☐ OG
(w) ☐ TIS
(x) ☐ RMPP
(y) ☐ NWPP
(z) ☐ A/NMG
(a') ☐ SCNV
(b') ☐ NCNV
(c') ☐ AK

2.3 Indicate to which Statutory Prohibition this Petition pertains:

(a) ☐ Prohibition of the use of petroleum or natural gas as a primary energy source.

(b) ☐ Prohibition of the construction of an electrical powerplant without the capability to use an alternate fuel as a primary energy source.

2.4 What is the type of unit you are seeking an exemption for:

(a) ☐ Boiler (b) ☐ Combustion Turbine (c) ☐ Combined Cycle

2.5 What is the design capacity of your new Unit?

(a) _____ MMBTU's/Hour Heat Input Rate
(b) _____ Megawatts Output
(c) (If a boiler) _____ Pounds of Steam Per Hour

2.6 Are there other electric generating units at the site of this new unit which individually have a design heat input capacity of 50 million BTU's per hour, or greater?

(a) ☐ Yes...Answer 2.7 (b) ☐ No...Skip to 2.8

2.7 What is the total design heat input capacity at the site (counting the new unit and those other units considered in Question 2.6 above)?

_____ MMBTU's per hour.

2.8 Have you filed a petition with ERA for classification of this Unit as "EXISTING?"

(a) ☐ Yes...What is the Docket Number? _____ (b) ☐ No...Answer 2.9

2.9 Indicate the appropriate classification for your filing as a New Powerplant:

(a) ☐ As of April 20, 1977, unit was not operational.

(b) ☐ Since April 20, 1977, unit has been either reconstructed, refurbished, or added to, and the cost of such reconstruction, refurbishment, or addition equals or exceeds 50% of the price of a replacement unit..

(c) ☐ Since November 9, 1978, unit was moved from one site to another.

2.10 Indicate the status of development for this unit by placing an "X" in the milestones accomplished as of the date of this Petition.

(a) ☐ Conceptual stage
(b) ☐ Planning stage
(c) ☐ Preliminary design stage
(d) ☐ Final Design Stage
(e) ☐ Proposals requested
(f) ☐ Contract executed
(g) ☐ Construction started
(h) ☐ Construction completed
(i) ☐ Unit operational

2.10.1 What is the date the unit became operational or the date it is projected to become operational? _____

3.0 EXEMPTION INFORMATION

Place an "X" in the appropriate box to indicate the type of exemption request(s) you have submitted with this exemption request. If you have previously submitted an exemption for this unit, enter the docket number in the space provided.

3.1 Temporary exemptions for new powerplants

	Type of Exemption	Docket Number
(a) ☐	Lack of alternate fuel supply	
(b) ☐	Site limitations	
(c) ☐	Inability to comply with applicable environmental requirements	
(d) ☐	Future use of synthetic fuels	
(e) ☐	Public interest exemption	

3.2 Permanent exemptions for new powerplants

	Type of Exemption	Docket Number
(a) ☐	Lack of alternate fuel supply for the first ten years of useful life	
(b) ☐	Lack of alternate fuel supply at a cost which does not substantially exceed the cost of using petroleum	
(c) ☐	Site limitations	
(d) ☐	Inability to comply with applicable environmental requirement	
(e) ☐	Inability to obtain adequate capital	
(f) ☐	State or local requirements	
(g) ☐	Cogeneration	
(h) ☐	Permanent exemption for certain fuel mixtures, containing natural gas or petroleum	
(i) ☐	Emergency purposes	
(j) ☐	Reliability of service	
(k) ☐	Peakload powerplant	
(l) ☐	Intermediate load powerplant	

ERA-301A Page 3

GENERAL FORM FOR NEW POWERPLANT PETITION

4.0 FUEL DATA

Complete the following information for the unit for which you are requesting an exemption.

Fuel Type	What fuels are used or proposed to be used as a "Primary Energy Source"? (Check all that apply.) Capability (a)	Proposed (b)	What is your annual estimated fuel consumption? (10 year avg.) (c)	What is the percentage of heat input required for ignition, start-up, flame stabilization and control? (10 year avg.) (d)
4.1 Solid Fuels				
4.1.1 Coal			tons	%
4.1.2 Petroleum Coke			tons	%
4.1.3 Municipal Waste			tons	%
4.1.4 Industrial Waste			tons	%
4.1.5 Agricultural Waste			tons	%
4.1.6 Wood			tons	%
4.1.7 Solid Refinery Waste			tons	%
4.1.8 Biomass			tons	%
4.1.9 Solid Renewable Waste			tons	%
4.1.10 Other:			tons	%
4.2 Liquid Fuels				
4.2.1 Residual Oil #6			BLS	%
4.2.2 Distillate Oil #2			BLS	%
4.2.3 Synthetic Oil			BLS	%
4.2.4 Liquid Refinery Waste			BLS	%
4.2.5 Shale Oil			BLS	%
4.2.6 Crude Oil			BLS	%
4.2.7 Other:			BLS	%
4.3 Gaseous Fuels				
4.3.1 Natural Gas			Mcf	%
4.3.2 Synthetic Gas From Petroleum			Mcf	%
4.3.3 Synthetic Gas From Alternate Fuel			Mcf	%
4.3.4 Gaseous Refinery Waste			Mcf	%
4.3.5 Gaseous Industrial Waste			Mcf	%
4.3.6 Other:			Mcf	%
4.3.7 Other:			Mcf	
4.3.8 Other:			Mcf	
4.3.9 Other:			Mcf	
4.4 Solar				

4.5 What is the estimated annual capacity factor (10 years average) use in the calculation of (c)?

(a) _____ percent.

ERA-301A Page

ERA-

3.0 Supporting Documentation

In support of your Petition for a Permanent Exemption for Cogeneration, you are required to address specific issues in your Fuels Decision Report. Complete the following questions to provide ERA with a summary of your responses and/or to indicate such issues have been addressed. As appropriate, indicate the page and chapter number where the issues are discussed in the Fuels Decision Report (FDR).

As part of your Fuels Decision Report, where have you provided:

	FDR	
	Page (a)	Chapter (b)
3.1 Documentary evidence which demonstrates that you considered the use of alternate fuels, including a description of the fuel alternatives you examined and the factors important in your decision to reject the use of alternate fuels? Such factors would include lack of alternate fuel supply, site limitations, enviromental requirements, or inability to raise adequate capital.		
3.2 Purchaser's design specifications for the new unit?		
3.3 An engineering description of the system, including proposed output and uses thereof, with sufficient detail to insure that the unit qualifies as a cogeneration facility?		
3.4 A detailed economic and engineering analysis demonstrating the the benefits of cogenerating with petroleum or natural gas and demonstrating that these genefits are not obtainable through the use of alternate fuels?		
3.5 A comparison of the total oil and gas consumption by the proposed cogeneration project and the best feasible alternative, including the effect on oil or gas used by the installation or by other affected parties?		
3.6 An analysis of the immediate and long-term economic impacts on parties not directily involved in the project?		
3.7 Evidence that an exemption could be justified on the grounds of:		
(i) technical innovation	_____	_____
(ii) urban impacts	_____	_____
(iii) other special benefits or public interest	_____	_____

ERA-

4.0 Description of System

4.1 Descibe briefly the type of cogeneration arrangement you have, referring to attached diagrams and specifications, or to sections (and pages) of the Fuels Decision Report.

_____

_____

_____

_____

4.2.1 What is the net dependable electric generation capacity of this facility?

_____ MW

4.2.2 What is the maximum useable thermal output of the facility (excluding reject heat)?

(a) Media	(b) Per Cent %	(c) Pounds of Steam per Hour	(d) Degrees Fahrenheit °F	(e) Pounds per square inch PSI	(f) Gallons per hour gph

4.3 (a) What percent of annual electric output will be received by the local utility for sale to its customers or to other utilities?

_____ percent

(b) Is this expected to vary significantly over the first ten years of the project?

__ Yes . . . answer 4.3 (c) __ No . . . skip to 4.4

(c) Describe the variation you expect.

_____

_____

_____

_____

ERA-

4.4 (a) Will companies other than the Petitioner share in the output (other than that fed into the electric utility system) of this facility?

Electrical __ Yes __ No

Thermal __ Yes __ No

Answer (b), (c), (d), (e), (f), and (g) below only if you checked yes in (a) above.

(b) What is the name of the firm?	(c) What is the type of output used?	(d) What is the quantity of output used?	(e) What is the manufacturing process?	(f) What is the product?	(g) What is the name, title and telephone number of a contact person for this firm?
(1)					Name Title ( ) Phone
(2)					Name Title ( ) Phone
(3)					Name Title ( ) Phone

ERA-309 Page 4

ERA-

4.5 Is the applicant a utility?

__ Yes . . . . skip to 5.0

__ No . . . . answer 4.6

4.6 (a) Does the proposed project involve a contract with a utility regarding?

(i) Joint ownership facility? __ Yes __ No

(ii) Utility ownership of specific parts of facility? __ Yes __ No

(iii) Utility purchase of surplus power? __ Yes __ No

(iv) Utility supply of stand-by power? __ Yes __ No

(v) Other utility involvement, specify: _____? __ Yes __ No

(b) If the answer to any of the above is Yes, where in your Fuels Decision Report is a summary of the current status and key features of the contract for each item checked, including obligations of each part under curtailment or emergency conditions? Page _____ Chapter _____

5.0 Describe briefly the best feasible alternative for accomplishing all of the functions performed by the proposed facility if the use of petroleum or natural gas is denied. (This alternative may or may not involve cogeneration.) Where have you included a more detailed description of this alternative in your Fuels Decision Report? Page _____ Chapter _____

_____

_____

_____

_____

_____

_____

_____

_____

_____

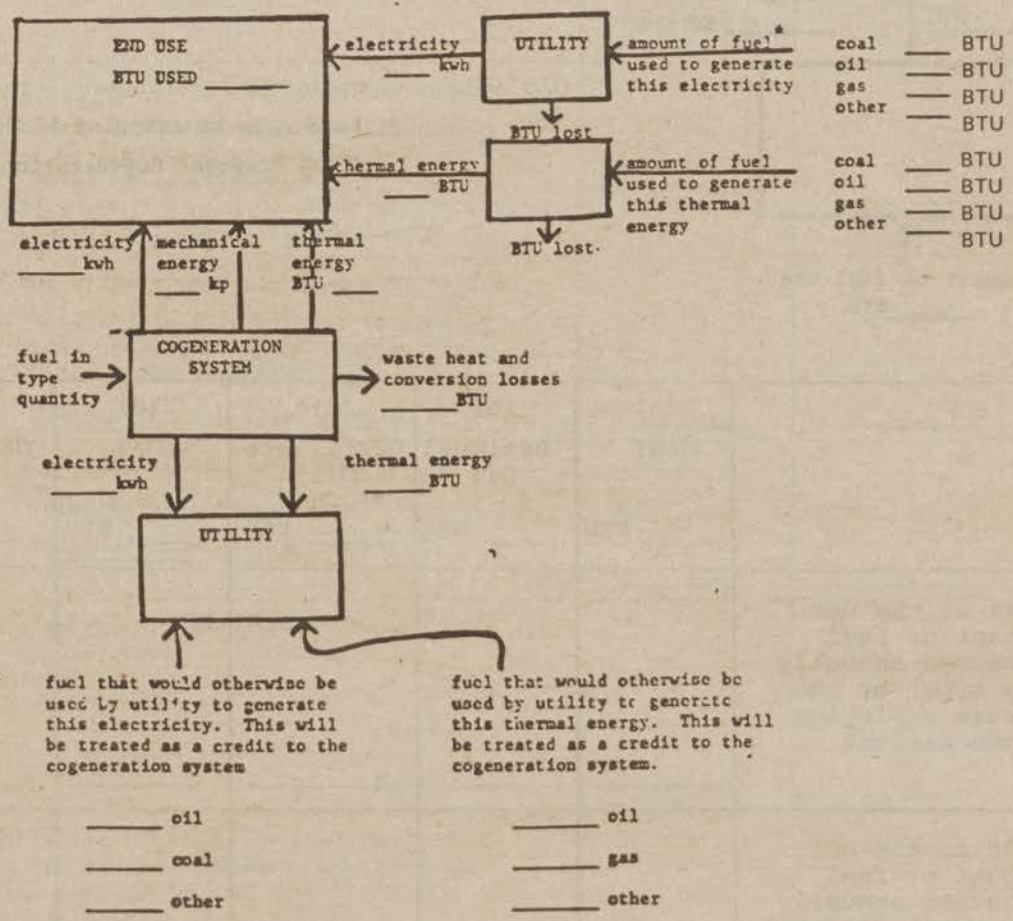
_____

FRA-

6.0 The purpose of this section is to compare the total energy consumption (and the types of fuels consumed) between the proposed cogeneration facility and its best alternative. This requires that a heat balance of each system, based on annual consumptions, be performed.

In order to complete this heat balance, use the heat balance flow charts provided in items 6.1 and 6.2. Enter on the lines provided the quantities, types of fuels used, and BTU amounts where applicable for your cogeneration system and/or the interacting end user and utility systems. Enter NA wherever the quantities, types of fuels used and BTU amounts are not applicable.

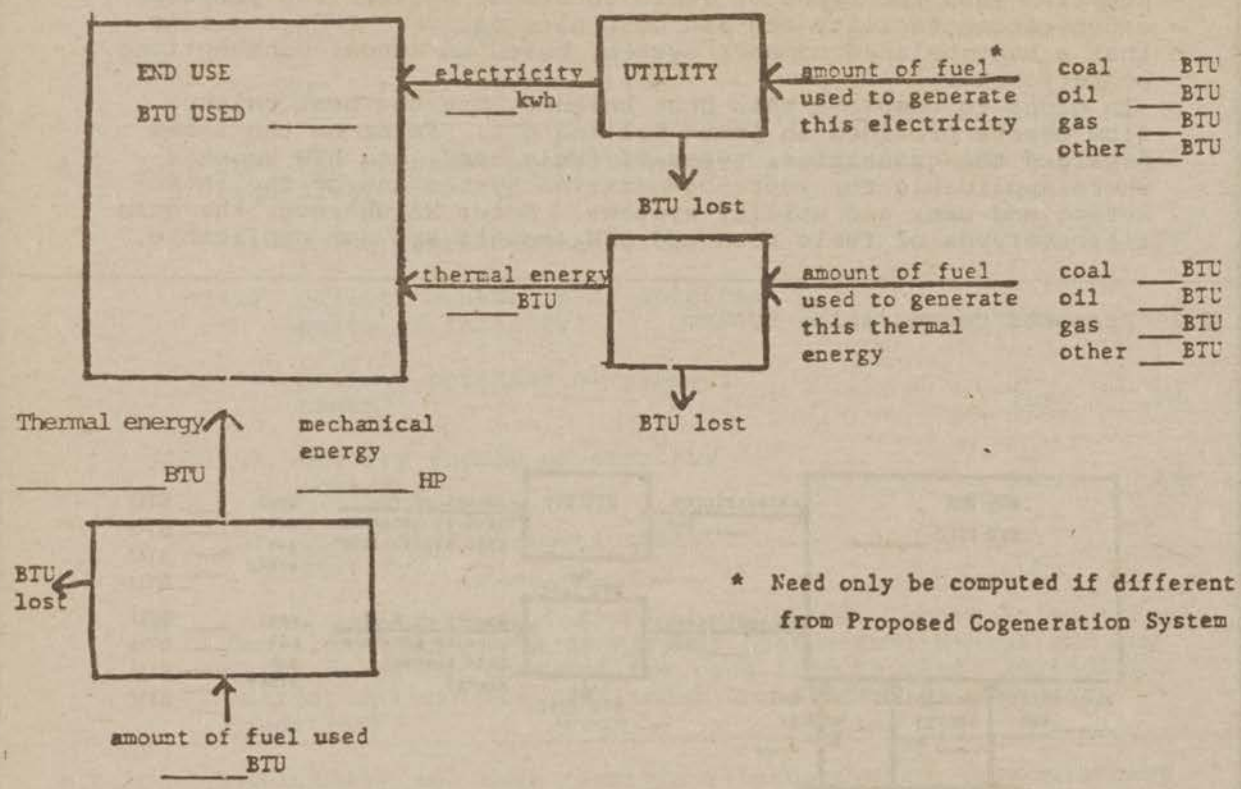
6.1 Proposed Cogeneration System



* Need only be computed if different from Best Alternative

ERA-

6.2 Best Alternative System



* Need only be computed if different from Proposed Cogeneration System

	(a) Coal _____ BTU	(b) Residual Oil _____ BTU	(c) Distillate Oil _____ BTU	(d) Gas _____ BTU	(e) Other: _____ _____ BTU
6.3 What is the net amount of fuel consumed annually (by type) by the system employing cogeneration?	_____	_____	_____	_____	_____
6.4 What is the net amount of fuel consumed annually (by type) for the Best Alternative?	_____	_____	_____	_____	_____

ERA-309 Page 7

7.0 Using the Cost Test, determine how the proposed cogeneration facility compares economically with the alternative discussed in 6.0. See the instructions for direction as to how the Cost Test implies.

NOTE: (1) If these comparisons are expected to change within the first ten years of the proposed project, fill in the appropriate tables in Schedules A and/or B.

(2) State all costs in dollars of the year the petition is submitted.

(3) A "utility" in this form means either a non-electric utility (e.g., a gas utility) or an "electric utility" as defined in the proposed regulations (Sec. 500.2 (a) (28)), except that a person is not considered an electric utility if he sells no electric power other than the sale for resale of the power from the proposed cogeneration facility or from other cogeneration facilities.

(4) If you are a non-utility, answer 7.0 (a).

(5) If you are a utility, answer 7.0 (b).

(6) If the project is jointly owned by a utility and a non-utility, answer both 7.0 (a) and 7.0 (b).

	Proposed Cogeneration Facility	Least Cost Alternative
(a) For the non-utility participants, what is the:		
(i) Total capital investment (Excluding sunk costs and net of revenues from sales of facilities)?	$_____	$_____
(ii) Discounted cost from Schedule B	$_____	$_____
(b) For the utility participants, what is the:		
(i) Total capital investment (Excluding sunk costs and net of revenues from sales of facilities)?	$_____	$_____
(ii) Discounted cost from Schedule A?	$_____	$_____
(c) For all participants, what is the:		
(i) Total Capital Investments?	$_____	$_____
(ii) Total discounted Cost (Sum of a and b)?	$_____	$_____
(d) Where in your Fuels Decision Report are the Capital, Fuel and O&M Costs itemized?		
Chapter	_____	_____
Page	_____	_____
(e) What is the ratio of the cost associated with the Proposed Cogeneration Facility to the cost associated with the least cost alternative (from c.ii)?	_____	

ERA-309 Page 8

PERMANENT EXEMPTION FOR COGENERATION
NEW POWERPLANTS AND NEW INSTALLATIONS

DRAFT

Instructions

I. Authority/Purpose

This form is required pursuant to the provisions of Title 10 of the Code of Federal Regulations, Part 503.37 and 505.27, Public Law 95-620, Powerplant and Industrial Fuel Use Act of 1978 (FUA), to be filed with the Economic Regulatory Administration for new powerplants and new installations seeking a permanent exemption from the prohibitions of the Fuel Use Act.

If you are representing a Major Fuel Burning Installation, you must file the General MFBI form. If you are representing a Powerplant, you must file the General Powerplant Form. In addition, file a Fuels Decision Report, this form and any pertinent fees. The information provided in this form will be used by ERA to perform an evaluation of powerplants and major fuel burning installations seeking a permanent exemption. A separate exemption form must be submitted for each unit for which you are seeking an exemption.

II. Where to submit the Permanent Exemptions Form.

Submit Form ERA-309 in triplicate (3) to:

Department of Energy
Economic Regulatory Administration
2000 M Street, N.W., Room _____
Washington, D. C. 20461

III. Permanent Exemption for Cogeneration Form

Section 1.0 Identification Information.

1.1 Facility Data (Site). This information pertains to the site where the new electric powerplant or installation is located.

(a) Enter the name of the facility where the unit is located.
(b) Enter the specific identification of the unit. For example, boiler #234.

1.2 Operating Company Identification

(a) Enter the name of the company which has the actual responsibility for the operation of the powerplant or installations. Included under the meaning of company is any individual corporation, society, trust, joint venture, stock company, County, State or Federal entity.

1.3 Name of person responsible for this application. This information should relate to someone who can be contacted if there are questions regarding the information contained in this Cogeneration Exemption Form.

(a) Enter the name of the individual.

(b) Enter the title by which the individual is identified in the company.

(c) Enter the area code and the telephone number at which the individual may be reached during the normal working hours.

Section 2.0 CERTIFICATION

(1) If you are filing a petition for exemption(s) on behalf of a corporation, the Chief Executive Officer and Chairman of the Board of the company shall attest in writing to the accuracy of all information contained in or appended to your petition.

(2) If you are filing a petition for exemption(s) on behalf of a wholly-owned subsidiary, then the requirements of (1) above shall apply to the subsidiary and to the parent corporation as well. (Four signatures may be required)

(3) If you are filing on behalf of an entity other than a corporation, the Chief Managerial Officer shall attest in writing to the accuracy of all information contained in or appended to your petition.

Section 3.0 SUPPORTING DOCUMENTATION

This section serves as a guide and a checklist to insure that all mandatory supporting documentation has been completed in your Fuels Decision Report and that the location of this information is clearly identified for evaluation. Identify the page and chapter where in your Fuels Decision Report you have addressed the issues.

Section 4.0 DESCRIPTION OF SYSTEM

4.1 Includes a one paragraph description of the key features of your proposed system. Attach a diagram showing the parties involved in the cogeneration operations, direction(s) of energy flow, and ownership and operational control of system components. Attach heat balance diagrams representative of peak, average, and minimum hourly energy flows. A heat balance diagram summarizing annual energy transfers between key components of the cogeneration systems is required to answer question 6.1 and your own version can at your discretion be attached here. A substantial portion of the answers to the remaining questions in this schedule can be derived from these diagrams.

4.2.1 Enter answer from equipment specifications.

4.2.2 Enter answers from heat balance diagrams.

4.3 (a) Make a reasonable estimate of the percent annual electric output produced by your cogeneration facility that will be fed into the utility grid during a typical year of operation. This should be obtainable from your heat balance diagram summarizing annual energy transfers between key components in your system.

(b) Significantly is defined as a variation of more than 20% between the "typical year" and any other year during the first ten years of operation.

(c) Make estimates of substantial variations, citing key reasons leading to the variations.

4.4 Enter answers from your diagram showing the parties involved in the cogeneration operations. Groups of small users can be consolidated and the name of a representative party included here. Parts (e) and (f) apply only to manufacturing firms.

4.5 An electric utility is defined in paragraph 500.2 of the regulations.

4.6 If the answer to question 4.5 is NO, answer the applicable parts of this question.

Section 5.0 DESCRIPTION OF BEST FEASIBLE ALTERNATE SYSTEM

In one paragraph describe the basic structure of the best feasible alternative. Make reference to the appropriate parts of your FDR where your best feasible alternative is described in detail. Also list assumptions and references to key sources of data if not already in the FDR.

Section 6.0 ENERGY AND FUEL USE COMPARISON

6.1 Fill in the appropriate blanks of the diagram heat balance. Some of the information requested (such as the amount and type of fuel used by the utility to generate electricity supplied to the affected end user or the fuel otherwise used by the utility to generate the electricity displaced by the input from the cogenerator) may not be readily available. If this is the case, make reasonable estimates. Clearly state assumptions, approach, and references to key data used in your determination.

6.2 Follow the same procedure as with question 6.1. Be consistent with assumptions, approach and key data used in your heat balance.

6.3 Summarize the information from part 6.1.

6.4 Summarize the information from part 6.2.

Section 7.0

The "least cost alternative" in this cost comparison should be the most favorable to the petitioner of all the feasible alternatives examined in the Fuels Decision Report. The two alternatives being compared should provide the same thermal, electrical, and mechanical products over the lifetime of the proposed project.

The "total capital investment" means the new capital that must be raised to implement either the proposed or alternative project. If either option would involve the sale of existing equipment or facilities, the proceeds should be subtracted from the total investment in new equipment or facilities.

The "discounted cost" is the present value of the total cost of providing the thermal, electrical, and mechanical functions over the lifetime of the proposed project. It is calculated in Schedule A (for utilities) or in Schedule B (for MFBIs). It includes new capital expenses, operation and maintenance, and fuel. It should also take account of purchase or sales of electric or thermal energy by debiting or crediting them against operation and maintenance costs and itemizing them in an attachment to Schedule A or B.

The regulations contain different cost formulas for powerplants and MFBI's reflecting the different financial factors affecting utilities and non-regulated industries. In some cogeneration projects, part of the facilities may be owned by a utility and part by a non-utility. In such cases, both cost formulas must be used (items a(ii) and b(ii)) and the results added. If the joint ownership is undifferentiated, all cost items, including fuel, should be split in proportion to the fraction of ownership. If each participant owns specific portions of the facility, the costs associated with each portion would be assigned accordingly. For example, if the utility owns the generator and steam turbine, while the non-utility owns the boiler, then the capital and operating costs of the boilers, as well as all the fuel costs, would be included in (a), while the capital and maintenance costs of the turbine and generator would be included in (b). Such assignments should be consistent with the contractural arrangements among the participants.

ERA-310 DRAFT U. S. DEPARTMENT OF ENERGY Form Approved
OMB No._____

Washington, D. C. 20461

FUELS MIXTURES PERMANENT EXEMPTION FORM
FOR NEW POWERPLANTS AND NEW INSTALLATIONS

If you are petitioning for a Permanent Exemption for Fuels Mixtures for new installations and new powerplants, your filing requirements include the appropriate General Exemption Form, a Fuels Decision Report, the appropriate schedules (A), (C), this form, and all pertinent fees.

A separate form must be submitted for each unit for which you are seeking an exemption.

1.0 Identification Information

What is the name of the facility, operating company, and the person responsible for this form?

1.1 Facility Data (site):

(a) Name:_____

(b) Unit Identification_____

1.2 Operating Company Identification:

(a) Name:_____

1.3 Name of person in your company to whom questions regarding this petition may be directed if different from the General Form:

(a) Name:_____

(b) Title:_____

(c) Telephone Number:_____

2.0 Certification

I certify that the information contained herein and appended hereto is true and accurate to the best of my knowledge.

Name	Title	Signature	Date
Name	Title	Signature	Date

Title 18 USC 1001, makes it a crime for any person knowingly and willingly to make to any Agency or Department of the United States any false, fictitious or fraudulent statements as to any matter within its jurisdiction.

3.0 Answer each of the following questions for the fuel mixture proposed:

(a) What are the fuels to be used in the proposed mixture?	(b) What is the total annual quantity of fuel? (By fuel unit.)	(c) What is the heating value in BTU per fuel unit?	(d) What is the total BTU input per year in millions of BTU's?	(e) What is the percent of fuel to be used?
3.1	_____	_____	_____	_____
3.2	_____	_____	_____	_____
3.3	_____	_____	_____	_____
3.4	_____	_____	_____	_____
			Total Million BTUs	100%

Notes

ERA-310 Page 2

4.0 What are the design specification characteristics of all the fuels this powerplant or installation is capable of firing? For fuels this powerplant or installation is not capable of firing, enter "N/A" across the line for that fuel.

Fuels	Design Specifications										
Solid Fuels:	% Sulfur by Wt.		% Ash by Wt.		% Moisture		BTU/lb.		Grindability (Pargrove)	% Carbon	
	(a) max.	(b) min.	(c) max.	(d) min.	(e) max.	(f) min.	(g) max.	(h) min	(i) minimum	(j) max.	(k) min.
4.1 Coal	—	—	—	—	—	—	—	—	—	—	—
4.2 Petroleum Coke	—	—	—	—	—	—	—	—	—	—	—
4.3 Municipal Wastes	—	—	—	—	—	—	—	—	—	—	—
4.4 Industrial Wastes	—	—	—	—	—	—	—	—	—	—	—
4.5 Agricultural Wastes	—	—	—	—	—	—	—	—	—	—	—
4.6 Wood	—	—	—	—	—	—	—	—	—	—	—
4.7 Solid Refinery Wastes	—	—	—	—	—	—	—	—	—	—	—
4.8 Solid Renewable-Specify _____	—	—	—	—	—	—	—	—	—	—	—
4.9 Biomass	—	—	—	—	—	—	—	—	—	—	—
4.10 Other-Specify _____	—	—	—	—	—	—	—	—	—	—	—

4.0 Continued

Liquid Fuels:	% Sulfur by Wt.		Pour Point °F		API Gravity °		B.S.&W %		Initial Boiling Point °F		BTU's/gallon	
	(a) max.	(b) min.	(a) max.	(b) min.	(a) max.	(b) min.	(a) max.	(b) min.	(a) max.	(b) min.	(a) max.	(b) min.
4.11 Residual Oil #6	—	—	—	—	—	—	—	—	—	—	—	—
4.12 Distillate Oil	—	—	—	—	—	—	—	—	—	—	—	—
4.13 Synthetic Oil	—	—	—	—	—	—	—	—	—	—	—	—
4.14 Liquid Refinery Wastes	—	—	—	—	—	—	—	—	—	—	—	—
4.15 Shale Oil	—	—	—	—	—	—	—	—	—	—	—	—
4.16 Other Specify _____	—	—	—	—	—	—	—	—	—	—	—	—

Gaseous Fuels:	BTU's/Cubic Foot	
	(a) Maximum	(b) Minimum
4.17 Natural Gas	_____	_____
4.18 Synthetic Gas from Alternate Fuel	_____	_____
4.19 Synthetic Gas from Petroleum	_____	_____
4.20 Gaseous Refinery Wastes	_____	_____

4.0 Continued	BTU's/Cubic Foot	
Gaseous Fuels:	(a) Maximum	(b) Minimum
4.21 Gaseous Industrial Wastes	_____	_____
4.22 Other Specify _____	_____	_____
4.23 Solar		
5.0 (a) Will the fuels be simultaneously fired or alternately burned?	(1) ☐ Simultaneously fired (2) ☐ Alternately burned	

NOTES:

6.0 SUPPORTING DOCUMENTATION

In support of your Petition for a Permanent Exemption for Use of a Fuels Mixture, you are required to address specific issues in your Fuels Decision Report. Complete the following questions to provide ERA with a summary of your responses and/or to indicate that such issues have been addressed. As appropriate, indicate the page and chapter number where the issues are discussed in the Fuels Decision Report.

Where in your Fuels Decision Report have you provided the following:

	FUELS DECISION REPORT	
	PAGE	CHAPTER
6.1 A complete description of the fuel mixture, component elements of the mixture, and percentage of each component to be utilized?		
6.2 The purchaser's design specifications for the unit for which you are requesting an exemption?		
6.3 An engineering assessment of the proportions of petroleum or natural gas needed to maintain operational reliability and an adequate level of fuel efficiency?		
6.4 Documentary evidence which demonstrated that you have considered the use of alternate fuels as a primary energy source. You must include a description of the supply alternatives you considered, the cost and availability of each alternate fuel considered and the factors important in your decision to reject the use of an alternate fuel as a primary energy source.		

PERMANENT EXEMPTION FOR FUEL MIXTURES FOR NEW POWERPLANTS AND NEW INSTALLATIONS

Instructions

I. Authority/Purposes

This exemption is required pursuant to the provisions of Title 10 of the Code of Federal Regulations, Part 503.38 and 505.28, Public Law 95-620 Powerplant and Industrial Fuel Use Act (FUA) to be filed with the Economic Regulatory Administration for powerplants and installations seeking a permanent exemption for the use of certain fuel mixtures of petroleum and natural gas. Powerplants and installations seeking a permanent exemption for fuel mixtures must file the appropriate General Form, A Fuels Decision Report, Schedules (A) and (C), this form, and all pertinent fees. The information provided by the petitioner will be used by ERA to determine the eligibility for powerplants and installations seeking a permanent exemption for use of a fuels mixture.

II. Where to Submit Fuel Mixtures Form

Submit Form ERA-310 in triplicate (3) to:

Department of Energy
Economic Regulatory Administration
2000 M Street, N.W., Room _____
Washington, D.C. 20461

III. Fuel Mixtures Exemption Form

Section 1.0 IDENTIFICATION DATA

1.1 Facility Location Data (site):

This information pertains to the site where your Facility is located.

(a) Enter the Name by which the facility site is identified.

(b) Enter the specific identification of the unit. For example, Boiler # 234.

1.2 Operating Company Identification:

This information relates to the company which has the actual responsibility for the operation of the facility. Included under the meaning of company, is any individual corporation, company, partnership, association, firm, institution, society, trust, joint venture, stock company or municipal, county, state or Federal entity.

(a) Enter the Complete Name of the compay.

1.3 Contact Person Identification:

This information should relate to someone who can be contacted if there are questions regarding the information contained in this petition.

(a) Enter the Name of the individual.

(b) Enter the Title by which the individual is identified in the company.

(c) Enter the Area Code and the Telephone Number at which the individual can be reached during normal working hours.

2.0 CERTIFICATION

1) If you file a Fuel Mixtures Permanent Exemption Form on behalf of a corportion, the duly authorized officer of the corporation shall attest in writing to the accuracy of all information contained in or appended to your petition.

2) If you are filing this petition on behalf of a wholly-owned subsidiary, then the requirements of Paragraph (1) shall apply to the subsidiary, and to the parent corporation as well. (Two signatures required.)

3) If you are filing on behalf of an entity other than a corporation, the duly authorized officer shall attest in writing to the accuracy of all information contained in or appended to your petition.

3.0 FUELS MIXTURES INFORMATION

Answer questions in columns (a), (b), (c) and (d) for the proposed mixtures under column (a) which you considered.

(a) What are the fuels to be used in the proposed mixture for the exempted unit? Here, you must list the proposed mixture of fuels that are technically feasible for use during the proposed temporary exemption period, or for a permanent exemption.

(b) What is the total quantity of fuel by unit? For solid fuels such as coal, municipal waste or coal, give the total amount of solid fuel used on an annual basis in tons. For liquid fuels such as residual oil or liquid refinery waste, give the total amount to be used on an annual basis in gallons. For gaseous fuels such as natural gas or synthetic gas from coal or oil, give the total amount of gas in Mcf or thousand of cubic feet.

(c) What is the heating value in BTU's per fuel unit?

(1) For solid fuels use: Total number of BTU's per lb.
(2) For liquid fuels use: Total number of BTU's per gal.
(3) For gaseous fuels use: Total number of BTU's per cubic ft.

(d) What is the total BTU input per year in millions of BTU's?

(1) For solid fuels, multiply the BTU's per lb. heating value (X) 2000 to obtain total BTU's per ton. Multiply that number (X) the total proposed number of tons of solid fuel (to be used annually) to find total BTU's. Divide the total number of BTU's by 1,000,000 to find the total millions of BTU's used per year.

(2) For liquid fuels, multiply the BTU's heating value per gallon (X) the total number of gallons of liquid fuels you propose to use annually. Divide that number by 1,000,000 to find the total million of BTU's used per year.

(3) For gaseous fuels, multiply the BTU's heating value per cubic foot (X) 1000. Multiply this number (X) the total proposed number of MCF to be used annually and divide by 1,000,000 to obtain millions of BTU's used per year.

(4) Take the total value of the millions of BTU's for all fuels in your proposed fuel mixture and add into the bottom of (c).

(e) What is the percent of the fuel to be used? For each fuel in your proposed fuel mixture, take the total millions of BTU's for each fuel in column (d) and divide by the sum total millions of BTU's of all fuels at the bottom of (d). This figure will be the % (percentage) of total millions of BTU's input which must be entered to the right to the nearest whole number, the percentage of BTU's for all fuels in column (e) should total 100% of the total millions of BTU's at the bottom of column (d).

4.0 What are the design specification characteristics for all the fuels this powerplant or installation is capable of firing? Write 'N/A' across the line for fuels that cannot be used. Give the burning characteristics for all fuels this unit can use with respect to ash, sulfur, mixture, BTU value by weight or cubic foot, grindability amount of fixed carbon, etc. for the design specification of all solid, liquid or gaseous fuels you can use - including the minimum and maximum ranges that can be used.

5.0 Would the mixture(s) you considered be fired alternately or simultaneously? If petroleum or natural gas will not consistently be used in combination with the alternate fuels in the fuel mixtures proposed in 3.0 of this schedule, you should check "alternately." If you do plan to consistently burn petroleum or natural gas in combination with the alternate fuel listed in your fuel mixtures, you should check "simultaneously."

6.0 Supporting Documentation.

In support of your petition for a permanent exemption to use a fuels mixture, provide the page and chapter in your Fuels Decision Report where you address the specific issues in 6.1 thru 6.4.

6.1 Have you provided a complete description of the fuel mixture, elements of the mixture, and percentage of each component to be utilized?

If you responded "No", provide documentary evidence of all reasons and circumstances that prevented you from answering or fully responding to the question in your Fuels Decision Report.

If your response was "yes", you must provide the page and chapter and where you identify and describe the alternate fuels you considered, including mixtures, petroleum and natural gas. Specify the types of fuels you considered, their fuel characteristics, types of units (boiler, combined cycle, etc.) and equipment needed for each fuel, quality and quantities of fuel, and other relevant considerations. This section of your Fuels Decision Report should also provide a clear, competent and concise explanation of why you selected each fuel for consideration as well as a brief discussion of why you did not consider other alternate fuels that would allow you to use a fuels mixture.

6.2 Have you provided the purchaser's design specification for the unit for which you are requesting an exemption?

If you responded "no", provide documentary evidence of all reasons and circumstances that prevented you from answering or fully responding to the question in your Fuels Decision Report. If you responded "yes", outline and discuss in your Fuels Decision Report the technical or engineering considerations which would require the use of petroleum or of natural gas rather than alternate fuel. Specific considerations which might be addressed include product or process problems, state of the art considerations, derating, and operational reliability problems.

6.3 Have you provided an engineering assessment of the proportions of petroleum or natural gas needed to maintain operational reliability and an adequate level of efficiency? If you responded "no", provide documentary evidence of all reasons and circumstances that prevented you from answering or fully responding to the question in your Fuels Decision Report. If you responded "yes", give the page and chapter in your Fuels Decision Report where you provide your current and projected petroleum and natural gas consumption for the unit for which you are requesting an exemption, and for the facility at which the unit is located by providing the following information: (powerplants and installations).

(a) The number of units you have at the facility under consideration which burn petroleum or natural gas, (including the unit for which the exemption is requested), their nameplate and net dependable capacity and current level of annual fuel consumption;

(b) Your retirement plans for your existing oil and gas units at the facility under consideration;

(c) Your projected (through 1990) annual levels of consumption of petroleum and natural gas (by fuel type and barrel or Mcf per year) for

(1) the unit under consideration:
(2) all existing oil and gas units at the facility under consideration; and

(d) Identifying, describing and documenting any conservation measures you have taken or intend to take to minimize the use of oil or gas if this exemption is granted. Outline the conservation measures you intend to take, and the conservation goals you have set for yourself, for the unit uinder consideration, for the facility at which the unit is or will be located, and for your company. Conservation measures entail either reduction in consumption of oil and gas or increased efficiency in the utilization of oil and gas. Such measures can range from housekeeping measures to replacement of inefficient units. Such measures also could include the use of mixtures of gas or oil and alternate fuels, and new more efficient technologies. Your description of the measures you intend to use should be detailed and should include comparative consumption figures, identification of conservation equipment or techniques, proposed manner of use, proposed date of use, cost, etc.

6.4 Have you provided documentary evidence which demonstrated that you have considered the use of alternate fuels as a primary energy source?

If you responded "No", provide documentary evidence of all reasons and circumstances that prevented you from answering or fully responding to the question in your Fuels Decision Report. If you answered "yes", give the page and chapter in your Fuels Decision Reporet where you provide analyses that addresss the use of alternate fuels as a primary source with respect to:

a. Engineering capabilities;
b. availability of alternate fuels;
c. cost/benefit and economic considerations for use of alternate fuels as a primary source;
d. site limitations that relate to transportation, storage and available water and your effort to locate alternate sites, and
e. Any significant environmental problems that would prevent the use of available alternate fuels in lieu of petroleum or natural gas.

U.S. DEPARTMENT OF ENERGY
Washington, D.C. 20461

DRAFT

PERMANENT EXEMPTION FOR EMERGENCY PURPOSES
FOR NEW POWERPLANTS AND NEW INSTALLATIONS

If you are petitioning for a Permanent Exemption for Emergency Purposes for a new powerplant or a new installation, your filing requirements include the appropriate General Exemption Form, a Fuels Decision Report, this form, appropriate schedules and all pertinent fees.

A separate form must be submitted for each unit for which you are seeking an exemption.

1.0 IDENTIFICATION DATA

What is the name of and unit identification number for this facility, the name of the operating company, and the name, title and telephone number of the person responsible for this form?

1.1 Facility (Site) Data

(a) _____
Name

(b) _____
Unit Identification

1.2 Name of Operating Company:

_____

1.3 Contact Person

_____ (a) Name _____ (b) Title ( ) _____ (c) Area Code, Telephone

1.4 Will you operate this powerplant or installation for emergency purposes only?

(a) ☐ Yes (b) ☐ No

2.0 DOCUMENTATION OF CONSIDERATION OF ALTERNATE FUEL USE

What is the page and chapter number in your Fuels Decision Report where you have provided documentary evidence which demonstrates that you considered the use of alternate fuels, including a description of the fuel alternatives you examined and the factors important in your decision to reject the use of alternate fuels. Such factors would include lack of alternate fuel supply, site limitations, environmental requirements, inability to raise adequate capital, certain State or local requirements, or other reasons which would preclude the use of an alternate fuel.

(a) _____ Page (b) _____ Chapter

ERA-311 Page 1

3.0 POWERPLANT DATA

Will your proposed powerplant be operated only when the utility which operates the unit has been required to curtail its industrial customers by 10 percent or more from expected noninterruptible demand?

(a) ☐ Yes...Skip to 5.0 (b) ☐ No...Skip to 5.0

4.0 NEW INSTALLATION DATA

Complete the following questions only if you are petitioning for a Permanent Exemption for Emergency Purposes for a new installation.

4.1 Will the installation be operated for:

(a) ☐ Plant protection...Skip to 5.3 (b) ☐ Preservation of human health

4.2 If your emergency purposes consit of preservation of human health, what is the basis for this consideration?

(a) ☐ Service to hospitals (b) ☐ Public transporation facilities

(c) ☐ Sanitation (d) ☐ Water supply and pumping (e) ☐ Other essential services

4.3 Where in your Fuels Decision Report have you provided a detailed description of your plant protection and/or preservation of human health needs?

(a) _____ Page (b) _____ Chapter

4.4 For the emergency need that you cited in question 5.1, how much capacity is required for each of the first three twelve month periods of exempt operation? (Units of energy may be expressed in Megawatts, pounds of steam per hour or millions of British thermal units per hour.)

	Amount (a)	Units (b)
1. First 12-month period	_____	_____
2. Second 12-month period	_____	_____
3. Third 12-month period	_____	_____

4.5 What is the page number and chapter in your Fuels Decision Report where this is addressed?

(a) _____ Page (b) _____ Chapter

4.6 Have you previously been granted an emergency exemption?

(a) ☐ Yes...Answer questions 4.7 and 4.8 (b) ☐ No...Skip to 5.0

4.7 If you answered yes to question 5.6, what is the amount of design capacity for which you have previously been granted an emergency exemption?

(a) _____ Total capacity (b) _____ Number of units

4.8 What is the page number and chapter in your Fuels Decision Report where this is addressed?

(a) _____ Page (b) _____ Chapter

5.0 CERTIFICATION

I certify that the information contained herein and appended hereto is true and accurate to the best of my knowledge.

Name	Title	Signature	Date
Name	Title	Signature	Date

Title 18, USC 1001, makes it a crime for any person knowingly and willingly to make to any Agency or Department of the United States any false, fictitious or fraudulent statements as to any matter within its jurisdiction.

Enter any additional remarks in this space:

PERMANENT EXEMPTION FOR EMERGENCY PURPOSES

FOR NEW POWERPLANTS AND NEW INSTALLATIONS

DRAFT

Instructions

I. Authority/Purpose

This exemption is required pursuant to the provisions of Title 10 of the Code of Federal Regulations, Part 503.39 and 505.29, Public Law 95-620 Powerplant and Industrial Fuel Use Act of 1978 (FUA) to be filed with the Economic Regulatory Administration for new powerplants and new installations seeking a permanent exemption for emergency purposes. Powerplants and installations seeking a permanent exemption for emergency purposes must file the appropriate General Form, a Fuels Decision Report, Schedules (A), (C) and (D) for powerplants, Schedules (B) and (D) for installations, this form, and all pertinent fees. The information provided by the petitioner will be used by ERA to determine the eligibility for powerplants and installations seeking a permanent exemption for emergency purposes.

II. Where to Submit Emergency Form

Submit Form ERA - 311 in triplicate (3) to:

Department of Energy
Economic Regulatory Administration
2000 M Street, N.W., Room _____
Washington, D. C. 20461

III. Emergency Exemption Form

Section 1.0 IDENTIFICATION DATA

1.1 Facility Location Data (site).

This information pertains to the site where your Facility is located.

(a) Enter the name by which the facility site is identified.

(b) Enter the specific identification of the unit. For example, Boiler #234.

1.2 Operating Company Identification.

This information relates to the company which has the actual responsibility of the facility. Included under the meaning of company is any individual corporation, company, partnership, association, firm, institution, society, trust, joint venture, stock company or municipal, county, state or Federal entity.

(a) Enter the complete name of the company.

1.3 Contact Person Identification:

This information should relate to someone who can be contacted if there are questions regarding the information contained in this petition.

(a) Enter the name of the individual.

(b) Enter the title by which the individual is identified in the company.

(c) Enter the area code and the telephone number at which the individual can be reached during the normal working hours.

1.4 Indicate your response by checking "yes" or "no."

Section 2.0 SUPPORTING DOCUMENTATION

In support of your petition for the Emergency Purposes Exemption, you are required to address specific issues in your Fuels Decision Report. In completing the questions in Section 2.0, provide ERA with a summary of your responses and/or indicate that such specific issues have been addressed. As appropriate, indicate the chapter and page (or attachment number) where the issues are discussed in the Fuels Decision Report.

Section 3.0 POWERPLANT DATA

Only complete Section 3.0 if you are petitioning for a permanent exemption for emergency purposes for a new powerplant.

Complete the question by checking "yes" or "no."

Section 4.0 NEW INSTALLATION DATA

Complete this Section only if you are applying for an exemption for a new installation.

4.1 Indicate the purpose(s) for which the emergency unit will be used:

(a) Check this block if the unit will be used for Plant Protection and/or check block (b) if the emergency use of this unit will be for the Preservation of Human Health.

4.2 (a)(b)(c)(d)(e) If you have indicated that the emergency use of this unit will be for the Preservation of Human Health, indicate the type of essential service it will provide.

4.3 Indicate the page and chapter of your Fuels Decision Report where a detailed description of your Plant Protection and/or Preservation of Human Health requirements for this unit are addressed.

4.4 (a)(b) In the spaces provided, state your estimates of the emergency capacity that will be required of this unit for the first three 12 month periods of exempt operation. Units of energy may be reported in Megawatts (MW), Pounds of Steam Per Hour, or Million of British Thermal Units (BTUs) Per Hour.

4.5 Indicate the page and chapter of your Fuels Decision Report where your discussion of the estimated emergency requirements for this unit appear.

4.6 Check "yes" or "no," as to whether or not you previously have been granted an emergency exemption. If you check "yes", answer questions 4.7 and 4.8. If you check "no," skip to Section 5.0.

4.7 If you have previously been granted a permanent exemption for Emergency Purposes for any other unit at this site, provide (a) the amount of design capacity for which you have been granted an emergency exemption and (b) indicate the number of units involved.

4.8 Identify by page and chapter where in your Fuels Decision Report you have discussed previously granted permanent exemptions for Emergency Purposes.

Section 5.0 CERTIFICATION

1) If you file an Emergency Permanent Exemption Form on behalf of a corporation, the Chief Executive Officer and the Chairman of the Board of the corporation shall attest in writing to the accuracy of all information contained in or appended to your petition.

2) If you are filing this petition on behalf of a wholly-owned subsidiary, then the requirements of Paragraph (1) shall apply to the subsidiary, and to the parent corporation as well. (Four signatures may be required.)

3) If you are filing on behalf of an entity other than a corporation, the Chief Managerial Officer shall attest in writing to the accuracy of all information contained in or appended to your petition.

ERA- 312

Form Approved
OMB No.

U.S. DEPARTMENT OF ENERGY
Washington, D.C. 20461

PERMANENT EXEMPTION FOR NEW POWERPLANTS NECESSARY
TO MAINTAIN RELIABILITY OF SERVICE

DRAFT

If you are petitioning for a Permanent Exemption for a New Powerplant to Maintain Reliability of Service, your filing requirements include the General Powerplant Exemption Form, a Fuels Decision Report, Schedules A, C, and D and this form.

A separate form must be filed for each unit for which you are requesting an exemption.

1.0 IDENTIFICATION INFORMATION

What is the name and unit identification of this facility, the name of the operating company and the name of the person responsible for this form?

1.1 Facility Data (Site):	1.2 Operating Company Name
(a) Name	
(b) Unit Identification	

1.3 Name of person in your company to whom questions regarding this petition may be directed:

(a) Name	(b) Title	(c) Telephone Number

What is the Loss of Load Probability (LOLP) you have calculated for the first 12-month period that your proposed powerplant would operate?

(a) LOLP without the proposed plant _____

(b) Time Period Covered by the Calculation _____

2.0 INELIGIBILITY FOR EXEMPTION

Have you explained in your Fuels Decision Report why you cannot demonstrate eligibility for the following exemptions in the time required to prevent impairment of service?

Type of Exemption (a)	Yes (b)	No (c)	Location in Fuels Decision Report Page (d)	Chapter (e)
2.1 Lack of Alternate Fuel Supply for the first 10 years				
2.2 Lack of Alternate Fuel Supply At a Reasonable Cost				
2.3 Site Limitations				
2.4 Environmental Requirements				
2.5 Lack of Adequate Capital				
2.6 State or Local Requirements				
3.0 CERTIFICATION				

I certify that the information contained herein and appended hereto is true and accurate to the best of my knowledge.

Name	Title	Signature
Name	Title	Signature

Title 18, USC 1001 makes a crime for any person knowingly and willingly to make to any Agency or Department of the United States any false, fictitious or fraudulent statements as to any matter within its jurisdiction.

PART 1 - Electrical Region Data

1.0 IDENTIFICATION DATA

1.1 Name of Facility	1.2 Unit Identification

2.0 Power System Identification

What are the names of all the power systems within the electric region you identified in the general form?

2.1 _____ 2.6 _____

2.2 _____ 2.7 _____

2.3 _____ 2.8 _____

2.4 _____ 2.9 _____

2.5 _____ 2.10 _____

3.0 DISPATCHING GENERATION

3.1 Who is responsible for dispatching the generation in the applicant system? _____

3.2 Who is responsible for dispatching the generation for this unit? _____

4.0 INTERCONNECTION DATA

What are the interconnections between the Electric Region and all other regions?

Interconnections between the Electric Region & all Other Regions (a)	Voltage for This Inter-Connection (KV) (b)	Capacity for Normal Operations (MW) (c)	Emergency Capacity (MW) (d)	Capacity Committed (MW) (e)
4,1				
4.2				
4.3				
4.4				
4.5				
4.6				
4.7				
4.8				
4.9				
4,10				

Part 2 - ESTIMATED OUTAGES

1.0 IDENTIFICATION DATA	
1.1 Name of Facility	1.1 Unit Identification

2.0 OUTAGE DATA

2.1 For each of the new units not yet on line in your electric region and for the proposed unit for which you are requesting an exemption, complete the following data items.

Unit ID (a)	Capacity (b)	Fuel (c)	Type (d)	Est. Equivalent Forced Outage Rate (%) (e)	Est. Maintenance Outage Rate (%) (f)	Est. Planned Outage Rate (%) (g)
1.						
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
10.						

2.2 For each existing unit in your electric region complete the following data items for the last four years.

Unit ID (a)	Capacity (b)	Fuel (c)	Type (d)	Equivalent Forced Outage Rate(%) (e)	Maintenance Outage Rate(%) (f)	Planned Outage Rate (%) (g)
1.						
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
10.						

ERA-312 Page 3

Part 3 - HEAT RATE DATA

1.0 IDENTIFICATION DATA

1.1 Name of Facility	1.2 Unit Identification

2.0 HEAT RATE CAPACITY DATA

For each existing unit and each of the new units scheduled but not yet on line in your electric region, including the proposed unit for which you are requesting an exemption, complete the following data items.

Unit ID (a)	Unit Status (b)	Primary Fuel (c)	Alternate Fuel (d)	Alternate Fuel (e)	Alternate Fuel (f)	Avg. Heat Rate At Minimum Capacity (Btu/KWhr) (g)	Incremental Heat Rate at Minimum Capacity (Btu/KWhr) (h)	Incremental Heat Rate at Max. Capacity (Btu/KWhr) (i)
1.								
2.								
3.								
4.								
5.								
6.								
7.								
8.								
9.								
10.								

Part 4- TEN YEAR ENERGY AND PEAK LOAD FORECAST

1.0 IDENTIFICATION DATA		
1.1 Name of Facility	1.2 Unit Identification	
1.3 Name of Electric Region	1.4 System Code	1.5 As of Date

2.0 CALENDAR YEAR ENERGY FORECAST

Year (a)	Megawatt-Hours (b)	Year (a)	Megawatt-Hours (b)
2.1		2.6	
2.2		2.7	
2.3		2.8	
2.4		2.9	
2.5		2.10	

3.0 SEASONAL PEAK LOAD FORECAST

Season (a)	Year-Month (b)	Megawatts (c)	Season (a)	Year-Month (b)	Megawatts (c)
3.1 SUMMER			3.11 SUMMER		
3.2 WINTER			3.12 WINTER		
3.3 SUMMER			3.13 SUMMER		
3.4 WINTER			3.14 WINTER		
3.5 SUMMER			3.15 SUMMER		
3.6 WINTER			3.16 WINTER		
3.7 SUMMER			3.17 SUMMER		
3.8 WINTER			3.18 WINTER		
3.9 SUMMER			3.19 SUMMER		
3.10 WINTER			3.20 WINTER		

4.0 INSTALLED CAPACITY

What is the installed capacity as of the date of this petition for your electric region?

_____ MW

NOTES: 1 MWH = 1000 KWh
1 MW = 1000 kW

Part 5 - SUPPLEMENTAL/DOCUMENTARY DATA

1.0 IDENTIFICATION DATA	
1.1 Name of Facility	1.2 Unit Identification

2.0 SUPPLEMENTAL DATA

Place an "X" in the appropriate box to indicate whether you have submitted the following documents:

	Yes (a)	No (b)
2.1 Have you submitted with this petition, for all systems in your Electric Region the		
1. FPC Form 1, page 431, Monthly Peaks and Output	☐	☐
2. FPC Form 1, page 432, Steam-Electric Generating Plant Statistics (Large Plants)	☐	☐
3. FPC Form 1, page 433, Hydroelectric Generating Plant Statistics	☐	☐
4. FPC Form, Page 434, Generating Plant Statistics (small plants)	☐	☐
2.2 Have you submitted with this petition for 1975 and every year thereafter for all of the existing generating units in your Electric Region the FPC Form 12 -	Yes (a)	No (b)
1. Schedule 3	☐	☐
2. Schedule 4	☐	☐
3. Schedule 4-A	☐	☐
4. Schedule 5	☐	☐
5. Schedule 7	☐	☐
6. Schedule 8	☐	☐
2.3 Have you submitted a copy for all systems in your Electric Region FPC Form 12E2	Yes (a)	No (b)
1. Schedule 1	☐	☐
2. Schedule 3	☐	☐
2.4 Have you submitted the hourly loads for the week of each month for the 12 months of the last calendar year using the format of FPC Form 2, Schedule 15 for all systems in your Electric Region?	Yes (a)	No (b)
	☐	☐

3.0 FUELS DECISION REPORT DATA

Where in your Fuels Decision Report have you . . .	Page	Chapter
3.1 Included the equations used for calculating the loss of load probability?		
3.2 Discussed your plans for meeting projected customer electrical demand?		
3.3 Provided an explanation of the method and data you employ in calculating that demand?		
3.4 If your proposed new powerplant is not to be a combustion turbine powerplant provided an explanation of the reasons why the construction of a combustion turbine powerplant would not resolve your reliability of service problem?		

DRAFT

PERMANENT EXEMPTION FOR NEW POWERPLANTS NECESSARY TO MAINTAIN RELIABILITY OF SERVICE

I. Authority/Purposes. This form is required, pursuant to the provisions of Title 10 of the Code of Federal Regulations, Part 503.40 and Public Law 95-620, Powerplant and Industrial Fuel Use Act of 1978 (FUA), to complete a petition to the Economic Regulatory Administration (ERA) for any exemptions from the prohibitions imposed under Title II, Sec. 212(f), of FUA. The information provided by this Form will be used by ERA to perform an evaluation of the petitioner's eligibility for any exemption.

II. Who may Submit. Form ERA-312 must be submitted by owners of electric powerplants who are petitioning for any exemptions under Title II for units classified "NEW" under the definition of Section 103 of FUA, and for those units which, upon petitioning to ERA for classification were not classified "EXISTING."

III. To Whom. Submit Form ERA-312 and all accompanying documents in triplicate (3) to:

Department of Energy
Economic Regulatory Administration
2000 M Street, N.W., Room _____
Washington, D.C. 20461

IV. Labeling. "Petition for Permanent Exemption - for New Powerplant," should be clearly labeled, both on the petition and on the outside of the envelope in which the petition is transmitted.

V. When to File. A petition for exemption(s) may be filed at anytime after May 8, 1979.

General

It is the intent of the ERA to have the capability to analyze, on a uniform basis, and evaluate the ability of each of the electric regions, as defined for the purposes of this Act, to maintain an acceptable level of reliability of electric service in the years ahead.

Frequent reference is made to pages and schedules of FPC forms which are currently being submitted to the Energy Information Administration (EIA). The instructions ask whether copies of the pertinent pages and schedules are submitted with this application. If all of the information now on file with EIA is current as of the appropriate date, then no submission is necessary and may be so indicated. It is the responsibility of the petitioner to determine that this is in fact the case.

In most cases, the information to be supplied goes well beyond the system of the applicant. To perform the reliability analysis, it is necessary to have rather detailed information on neighboring and/or interconnected systems. A letter has been addressed to each of the nine Regional Electric Reliability Councils of the industry, and to the National Electric Reliability Council, asking the Councils to take the lead in assuring that information on each electric region within that Reliability Region is available to an applicant as required to permit his compliance. Thus, if the applicant does not have the data already available for this purpose, the question should be raised with the Reliability Council.

Page 1

1.0 Identification Information.
1.1 Facility Data (Site): This information pertains to the site where the new electric generating unit is located.

(a) Enter the name by which the unit is identified.
(b) Enter the specific identification of the new unit. For example, Boiler #6, Unit #3, etc.

1.2 Utility Company Identification: This information relates to the utility company which has the actual responsibility for the operation of the new electric powerplant. Included under the meaning of company is any individual corporation, company, partnership, association, firm, institution, society, trust, joint venture, stock company, or County, State or Federal entity. Enter the complete name of the utility company.

1.3 Contact Person Identification: This information should relate to an individual who can be contacted if there are questions regarding the information contained in this petition.

(a) Enter the name of the individual.
(b) Enter the title by which the individual is identified in the company.

(c) Enter the area code and the telephone number at which the individual may be reached during normal working hours.

1.4.a Give the Loss of Load Probability you have calculated for the first 12-month period that this unit is scheduled to be in operation.

b. Cite the time when this 12-month period is expected to occur.

2.0 Ineligibility for Exemption.

The Fuel Use Act requires that the petitioner show that he is not able to make the demonstration necessary to obtain an exemption under Sec. 212, subsections (a) and (b). The requirements for an exemption under these subsections are listed on the form.

(b) and (c) Please indicate opposite each type of exemption whether you have explained why you cannot demonstrate eligibility for that exemption.

(d) and (e) If the answer is "yes," cite the chapter and page number in your Fuels Decision Report where the explanation is presented.

3.0 Certification

(1) If you are filing a petition for exemption(s) on behalf of a corporation, the Chief Executive Officer and the Chairman of the Board of the Company shall attest in writing to the accuracy of all information contained in or appended to your petition.

(2) If you are filing a petition for exemption(s) on behalf of a wholly-owned subsidiary, then the requirements of (1) above shall apply to the subsidiary and to the parent corporation as well. (Four signatures may be required.)

(3) If you are filing on behalf of an entity other than a corporation, the Chief Managerial Officer shall attest in writing do the accuracy of all information contained in or appended to your petition.

Part 1 - Electrical Region Data

2.0 Power System Identification
List all power systems in the electric region. As explained in the Regulations, the electric regions to be used for the purposes of this Act are based on the Power Supply Areas defined by the Federal Power Commission some years ago. Although they have continued in use for other purposes, they have not generally provided a governmental reporting service. Thus, this listing will serve as a confirmation and perhaps updating of existing Federal records. In case any ambiguities are found in regional assignments, consult with ERA to reach an official determination.

3.0 Dispatching Generation
It is necessary to know the method of operation and control of the applicant's system as well as the plans for the proposed unit.

3.1 Show who is responsible for dispatching the systems generation. Does the system operate as a part of a centrally dispatched area or does it operate its own control center?

If the latter, does the system center dispatch any generation other than its own?

3.2 Show who will dispatch the generation for this unit. Is it planned that the proposed unit will be operated in the existing dispatch system or will there be changes made for the operation of this unit?

4.0 Interconnection Data

List all interconnections between the electric region and all systems in it with any other electric regions and systems. For each:

a. Identify the line by listing terminals in order of the normal flow of power.
b. Provide the nominal voltage of the line in kV.
c. Give the rated capacity of the line for normal operations.
d. Give the emergency capacity of the line.
e. Of the normal capacity of the line, show what part is committed by contractual or other obligations.

Part 2 - Estimated Outages

2.0 Outage Data

2.1 List each of the new units planned for this electric region, including this unit, which are scheduled to become operational between this date and the end of the first 12 months of operation of the proposed unit. If this information is not available to the applicant, contact the Regional Electric Reliability Council. For each unit, provide:

a. Identification.
b. Capacity in megawatts.
c. Primary fuel. Note if there is an alternate primary fuel.
d. Type, i.e., whether steam-turbine, combustion turbine, internal combustion engine, etc.
e. Estimated equivalent forced outage rate.
f. Estimated maintenance outage rate.
g. Estimated planned outage rate.

Estimated outage rates should be calculated in accordance with the Edison Electric Institute definitions which are quoted in 2.2 below.

2.2 List all generating units in the electric region. If this information is not available to the applicant, contact the Regional Electric Reliability Council. For each unit, provide:

a. Identification.
b. Capacity in megawatts.
c. Primary fuel. Note if there is an alternate fuel.
d. Type, i.e., whether steam-turbine, combustion turbine, internal combustion engine, etc.
e. Equivalent forced outage rate.
f. Maintenance outage rate.
g. Planned outage rate.

The outage rates for the existing units should be the experience with the units for the last 4 years or for the life of the unit if it has been in service less than 4 years. Outage rates should be calculated as specified in the Edison Electric Institute definitions given below:

Equivalent Forced Outage Rate equals:

$$\frac{\text{Forced Outage Hours plus Equivalent Forced Outage Hours}}{\text{Forced Outage Hours plus Service Hours}}$$

(for each forced partial outage, an equivalent full load outage duration is calculated to include the effect of partial as well as full forced outages on the forced outage rate).

Forced Outage - The occurrence of a component failure or other condition which requires that the unit be removed from service immediately or up to and including the very next weekend.

Forced Outage Hours - The time in hours during which a unit or major equipment is unavailable due to a forced outage.

Equivalent Forced Outage Hours - Forced Partial Outage Hours x Size of Reduction/MDC.

Service Hours - The total number of hours the unit was actually operated with breakers closed to the station bus.

Maintenance Hours - The removal of a unit from service to perform work on specific components which could have been postponed past the very next weekend. This is work done to prevent a potential forced outage and which could not be postponed from season to season.

Maximum Dependable Capacity - The dependable main-unit capacity winter or summer, whichever is smaller.

Planned Outage - The removal of a unit from service for inspection and/or general overhaul of one or more major equipment groups. This is work which is usually scheduled well in advance (e.g., annual boiler overhaul, five-year turbine overhaul).

Part 3 - Heat Rate Data

2.0 Heat Rate Data

The heat rates are required for all existing and planned units in the electric region. If this information is not available, contact the Regional Electric Reliability Council. For each unit, provide:

a. Identification.
b. Status. Enter P to designate the unit for which an exemption is being rquested, E for existing units and N for new units.
c. Show primary fuel.
d.,e. & f. In these columns, list any other fuels the unit is capable of using as a primary fuel. Use a separate column and a separate line for each.

g. h. i. Heat rates.

For each fuel listed in columns c, d, e, and f give the following average heat rates in Btu's per kilowatt-hour.

g. At minimum capacity.
h. Incremental at minimum capacity.
i. Incremental at maximum capacity.

Part 4 - Ten Year Energy and Peak Load Forecast

It should be noted that this schedule follows the format of Schedule 5 of FPC Form 12E-2. If there are Schedule 5's of 12E-2 on file that are current as of the appropriate date and that provide the necessary information on all the power systems in the electric region, then no further submission is required. If this should be the case, so indicate on the form and leave the rest of the form blank.

2.0 Calendar Year Energy Forecast.

a. Enter the calendar year for each of the ten years of the forecast period.
b. Enter the energy forecast for each of the ten years. Energy quantities should be based on "new energy for load" and expressed in megawatt-hours.

3.0 Seasonal Peak Load Forecast

b. Enter the year and two-digit month code of the forecasted peak summer and winter load periods.
c. Enter the projected seasonal peak loads for the ten year forecast period expressed in megawatts.

4.0 Installed Capacity

Give the installed capacity in your electric region as of the date of this petition.

Part 5 - Supplemental/Documentary Data

2.0 Supplemental Data

The purpose of this section is to assure that there is sufficient information available on generating units, existing and planned, load patterns, energy transfers, etc., in the electric region to permit the performance of reliability analyses including loss-of-load probability studies. The pages and schedules listed from the FPC Forms provide more information than needed but all the information that is needed can be obtained from them.

In 2.1, 2.2 and 2.3, you are to indicate whether you are submitting with this form copies of the pages and schedules designated. If these are on file for all systems in the electric region and are current as of the date of this application, no further submission is necessary. However, in case there have been changes in any of the information on any of the pages or schedules, an up-dated version should be submitted. Information on other systems in the electric region should be obtained as needed through the Regional Electric Reliability Council.

It should be noted that 2.4 requires additional information beyond that included in the FPC Form. Schedule 15 of that Form provides the hourly load (i.e., the load curves) for the first full week in the months of April, August and December. In this case, you must submit the same information in the same format for a typical full week for the other nine months of the same calendar year.

3.0 Fuels Decision Report Data

3.1 Regarding your calculation of the loss of load probabilities, there must be a sufficient description of the methodology and equations used to permit evaluation and comparison of the method and of the results included in your Fuels Decision Report. Cite the chapter and page number where this subject is addressed.

3.2 and 3.3 Demand Projection and Supply Planning
The discussion to be included in the Fuels Decision Report of the project of electric demand and the plans to supply it must cover not only those of the applicant's system, but also those of the electric region as a whole. Describe the joint planning and coordination on these matters that is normally carried on within the region and explain methods and data used in projecting the demand. If the necessary information for the electric region is not already available, contact the Regional Electric Reliability Council.

Indicate where in your Fuels Decision Report you have discused your plans for meeting projected electrical demand and the data used in estimating that demand.

3.4 If this unit is not a combustion turbine, where in your Fuels Decision Report is there an explanation of the reasons why the construction of a combustion turbine would not resolve any reliability of service questions.

ERA

Form Approved
OMB No._____

U. S. DEPARTMENT OF ENERGY

DRAFT

Washington, D. C. 20461

PERMANENT EXEMPTION FOR PEAKLOAD POWERPLANT

If you are petitioning for a Permanent Exemption for a new Peakload Powerplant, your filing requirements include the General Powerplant Exemption Form, a Fuels Decision Report, this Form, and the Reliability of Service Exemption Form, and all pertinent fees.

A separate Peakload Exemption Form must be submitted for each unit for which you are seeking an exemption.

1.0 Identification Information

What is the name of the facility, operating company and the person responsible for this form?

1.1 Facility Data (site):

a. Name:_____

b. Unit Identification:_____

1.2 Operating Company Identification:

(a) Name:_____

1.3 Name of person in your company to whom questions regarding this petition may be directed if different from the General Form:

(a) Name:_____

(b) Title:_____

(c) Telephone Number:_____

2.0 Certification

I certify that the information contained herein and appended hereto is true and accurate to the best of my knowledge.

Name	Title	Signature	Date
Name	Title	Signature	Date

Title 18, USC 1001, makes it a crime for any person knowingly and willingly to make to any Agency or Department of the United States any false, fictitious or fraudulent statements as to any matter within its jurisdiction.

ERA-313 Page 1

3.0	Do you plan to use natural gas?	a. ☐ Yes-Answer 4.0, 4.1 and 4.2 b. ☐ No-Skip to 5.0	
3.1	Have you obtained an air quality certification from the EPA Administrator or the Director of the appropriate State air pollution control agency which certifies that the use of alternate fuels as a primary energy source will cause or contribute to a concentration, in an Air Quality Control Region, or any area within the Region of a pollutant for which any national ambient air quality standard is or would be exceeded?	a. ☐ Yes b. ☐ No	
		Fuels Decision Report	
		Page	Chapter
3.2	Where in your Fuels Decision Report is 3.1 addressed?	_____	_____
3.3	Where in your Fuels Decision Report have you included a copy of your application and supporting documents for an air quality certification?	_____	_____
5.0	POWERPLANT DATA		
5.1	What is your projected electrical generation for any 12 calendar month period? _____ kWh	_____	_____
5.2	What is the design generating capacity in kW of the peakload powerplant? . . _____ kW	_____	_____
5.3	What is the design generating capacity multiplied by 1500 hours? . . _____ kWh	_____	_____
6.0	Have you attached a certification executed by the Chief Executive Officer of the Utility which will operate the powerplant certifying that the power plant is to be operated solely as a peakload plant?	a. ☐ Yes b. ☐ No	

Notes

ERA-313 Page 2

PERMANENT EXEMPTION
FOR
PEAKLOAD POWERPLANT

DRAFT

Instructions

I. Authority/Purposes

This exemption is required pursuant to the provisions of Title 10 of the Code of Federal Regulations, Part 503.41, Public Law 95-620, Powerplant and Industrial Fuel Use Act of 1978 (FUA) to be filed with the Economic Regulatory Administration (ERA) for powerplants seeking a permanent exemption(s) from the prohibitions of the Fuel Use Act. If you represent a powerplant seeking a permanent exemption for a peakload powerplant, you must at least file a General Powerplant Form, a Fuels Decision Report, this Form, and the Reliability of Service Exemption Form and all pertinent fees. The information provided by the petitioner will be used by ERA to determine the eligibility of powerplants seeking a permanent exemption for a peakload unit.

II. Where to submit Peakload Powerplant Form.

Submit Form ERA-313 in triplicate (3) to:

Department of Energy
Economic Regulatory Administration
2000 M Street, N.W., Room _____
Washington, D. C. 20461

III. Peakload Powerplant Form.

Section 1.0 Identification Information

1.1 Facility Data (Site) This information pertains to the site where the new Peakload Powerplant (Unit) is located.

(a) Enter the name of the facility where the Unit is located.
(b) Enter the specific identification of the Unit. For example: Boiler #234.

1.2 Operating Company Identification

(a) Enter the name of the company which has the actual responsibility for the operation of the Unit. Included under the meaning of company is any individual corporation, partnership, association, firm, institution, society, trust, joint venture, stock company, or County, State or Federal entity.

1.3 Name of person responsible for this application. The information should relate to an individual who can be contacted if there are any questions regarding the information contained in this Peakload Powerplant Form.

(a) Enter the name of the individual.
(b) Enter the title by which the individual is identified in the company.
(c) Enter the area code and telephone number at which the individual may be reached during normal working hours.

Section 2.0 CERTIFICATION

(1) If you are filing a petition for exemption(s) on behalf of a corporation, the Chief Executive Officer and Chairman of the Board of the company shall attest in writing to the accuracy of all information contained in or appended to your petition.

(2) If you are filing a petition for exemption(s) on behalf of a wholly-owned subsidiary, then the requirements of (1) above shall apply to the subsidiary and to the parent corporation as well. (Four signatures may be required.)

(3) If you are filing on behalf of an entity other than a corporation, the Chief Managerial Officer shall attest in writing to the accuracy of all information contained in or appended to your petition.

3.0 Do you plan to use natural gas? If you check "yes," answer all remaining questions. If you check "no," do not answer 3.1, 3.2 and 3.3 and continue to 5.0

3.1 If natural gas will be used as a primary energy source in this Peakload Powerplant (Unit), you must have included as part of your Fuels Decision Report an Air Quality Certification obtained from the Administrator of the Environmental Protection Agency (EPA), or the Director of the appropriate State air pollution control agency, which certifies that the use of available alternate fuels as a primary energy source in this Unit will cause or contribute to a concentration in an Air Quality Control Region or any area within the Region, of a pollutant for which any National Ambient Air Quality Standard is or would be exceeded.

(a), (b) Check the appropriate box to indicate whether or not an Air Quality Certification and all supporting documents are included with this petition.

SUPPORTING DOCUMENTATION FOR 4.1 THRU 5.3

In support of your Petition for a Permanent Exemption for Peakload Powerplants, you are required to address specific issues in your Fuels Decision Report. Complete the following questions to provide ERA with a summary of your responses and/or to indicate that such issues have been addressed. As appropriate, indicate the page and chapter number where the issues are discussed in the Fuels Decision Report.

4.1 The Air Quality Certification must describe all fuels considered in making the certification. In addition, you must include a copy of your application for the Air Quality Certification and all supporting documents filed with or subsequent to the application. ERA may determine that your application for the Air Quality Certification is deficient if EPA or the appropriate State air pollution control agency failed to consider all available alternative fuels. Where in the Fuels Decision Report is this addressed?

4.2 Indicate the page number and chapter of the Fuels Decision Report where the Air Quality Certification is included with supporting documentation.

POWERPLANT DATA

5.0 This Section provides for summation of the information in your Fuels Decision Report which supports the qualification of the Unit as a Peakload Powerplant.

5.1 Provide the projected electrical generation for this Unit in kilowatt hours (kW-hrs) for any 12 calendar-month period. Indicate page number and chapter where this appears in your Fuels Decision Report.

5.2 Indicate the Unit's designed generating capacity in kilowatts (kWs). Enter page number and chapter where this appears in your Fuels Decision Report.

5.3 Multiply the Unit's designed generating capacity (kWs) [4.2 above] by 1,500 hours. Indicate page number and chapter where this appears in your Fuels Decision Report.

6.0 In support of your petition for a permanent exemption for a new Peakload Powerplant, the Fuels Decision Report must contain a certification executed by the Chief Executive Officer of the operating company certifying that the Unit is to be operated solely as a Peakload Powerplant.

(a), (b) Check the appropriate box to indicate whether or not such certification is included in your Fuels Decision Report.

ERA- U.S. DEPARTMENT OF ENERGY Form Approved
Washington, D.C. 20461 OMB No. _____

DRAFT

PERMANENT EXEMPTION FOR INTERMEDIATE LOAD POWERPLANT

If you are petitioning for a Permanent Exemption for a new intermediate load powerplant, your filing requirements include the General Powerplant Exemption Form, the Exemption for Reliability of Service Form, a Fuels Decision Report, Schedules A, C, D, and E, this form and all pertinent fees.

A separate Intermediate Exemption form must be submitted for each unit for which you are seeking an exemption.

1.0 Identification Information

What is the name of the facility, operating company and the person responsible for this form?

1.1 Facility Data (Site):
(a) Name: _____
(b) Unit Identification: _____

1.2 Operating Company Identification
(a) Name: _____

1.3 Name of person in your company to whom questions regarding this petition may be directed if different from the General Form:

(a) Name: _____

(b) Title: _____

(c) Telephone number: ( ) - _____

2.0 Certification

I certify that the information contained herein and appended hereto is true and accurate to the best of my knowledge.

Name	Title	Signature	Date
Name	Title	Signature	Date

Title 18, USC 1001, makes it a crime for any person knowingly and willingly to make to any Agency or Department of the United States any false, fictitious or fraudulent statements as to any matter within its jurisdiction.

3.0 POWERPLANT DATA

Provide the following information on the proposed Intermediate Load Powerplant for which you are requesting an Exemption and the existing powerplant(s) which it will replace. Indicate the Page and Chapter numbers in your Fuels Decision Report (FDR) where the information is discussed and supported. Should you be replacing more than three existing powerplants, use additional copies of this Section as necessary to list all units being replaced.

	(a) New Powerplant	(b) Existing Powerplant	(c) Existing Powerplant	(d) Existing Powerplant	(e) FDR Page	(e) FDR Chapter
3.1 Name of the Generating Station						
3.2 Unit Identification Number						
3.3 Location (City and State)		_____	_____	_____		
3.4 Do you own these Powerplants?		☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No		
3.5 Are the existing Powerplants coal capable?		☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No		
3.6 What are the Types of Fuel consumed for the previous two years?		_____ _____ _____	_____ _____ _____	_____ _____ _____		
3.7 What are the Volumes of Fuel burned for the previous two calendar years		_____ Tons _____ Bbls _____ MCF	_____ Tons _____ Bbls _____ MCF	_____ Tons _____ Bbls _____ MCF		
3.8 What is the Design Generating Capacity in Kilowatts (KW)	_____ KW	_____ KW	_____ KW	_____ KW		
3.9 What is the Design Heat Input Rate in BTU's per Kilowatt Hour?	_____ BTU's KW-hr					
3.10 What is the Design Generating Capacity multiplied by 3,500 hours?	_____ KW-hours					
3.11 What is the projected electrical generation for any 12-calendar month period?	_____ KW-hours					
3.12 What is the date you proposed to cease operations?		☐☐☐☐☐☐ M D Y	☐☐☐☐☐☐ M D Y	☐☐☐☐☐☐ M D Y		
3.13 Would operation of existing powerplants using coal as a primary energy source, cause or contribute to a concentration in an air quality control region, or an area within such region, of a pollutant for which any national air quality standard is or would be exceeded?		☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No		

4.0 SUPPORTING DOCUMENTATION		
Indicate where in your Fuels Decision Report (FDR) you have discussed and/or included affidavits and documentation in support of the following.		
	FDR	
	Page	Chapter
4.1 Air Quality Certification from the Administrator of the Environmental Protection Agency or the Director of the appropriate State air pollution control agency which certifies the use of any available alternate fuel as a primary energy source in the new powerplant will cause or contribute to a conentration of a pollutant in an Air Quality Control Region or any area within such a Region, for which any National Ambient Air Quality Standard is or would be exceeded. (Included with the Certification should be a copy of your application for certification and a copy of all supporting documentation filed with or subsequent to your application.) (1) What is the date the Air Quality Certification was issued? _____		
4.2 An affidavit executed by the Chief Executive Officer of the electric utility which will operate the proposed powerplant certifying that the powerplant shall be operated at all times in the future only as an intermediate load powerplant. The certification shall set forth the design capacity of the proposed powerplant and the maximum allowable generation of the proposed powerplant in kilowatt hours for its first 12 months of operation as an intermediate load powerplant.		
4.3 An affidavit executed by the Chief Executive Officer and a qualified engineer of the operating utility which certifies that the powerplant can operate at a heat rate of 9,500 Btu's per kilowatt hour or less throughout the useful life of the powerplant.		
4.4 An affidavit executed by the Chief Executive Officer and a qualified engineer of the operating utility certifying that the powerplant will be constructed with the capability to use a synthetic fuel derived from an alternate fuel as a primary energy source. (The affidavit must include a description of the specific characteristics that make the intermediate load powerplant capable of using the synthetic fuels which it is being designed to use.)		
4.5 The identification and description with appropriate documentation of the synthetic fuels you have selected and a description of the basis for your decision to select that particular fuel, including any marketing studies, contracts or other documents relating to that selection.		

PERMANENT EXEMPTION FOR INTERMEDIATE
LOAD POWERPLANT

DRAFT

Instructions

I. Authority/Purposes

This exemption is required pursuant to the provisions of Title 10 of the Code of Federal Regulations, Part 503.42, Public Law 95-620, Powerplant and Industrial Fuel Use Act of 1978 (FUA), to be filed with the Economic Regulatory Administration (ERA) for any company seeking a permanent exemption for Intermediate Load Powerplants. If you are petitioning for a permanent exemption for a new intermediate load powerplant, your filing requirements include the General Form for New Powerplant Exemption Petition, the Exemption for Reliability of Service Form, a Fuels Decision Report, Schedules (A), (C), (D) and (E), this form and all pertinent fees. The information provided by the petitioner will be used by ERA to determine the eligibility of powerplants seeking a permanent exemption for intermediate load use.

II. Where to submit the Intermediate Load Exemption Form.

Submit Form ERA - 314 in triplicate (3) to:

Department of Energy
Economic Regulatory Administration
2000 M Street, N.W., Room _____
Washington, D.C. 20461

III. Intermediate Load Exemption Form.

Section 1.0 IDENTIFICATION DATA

1.1 Facility Location Data (site):
This information pertains to the site where your facility is located.

(a) Enter the name by which the facility site is identified.
(b) Enter the street address of the facility site.

1.2 Operating Company Identification

This information relates to the company which has the actual responsibility for the operation of the facility. Included under the meaning of company is any individual corporation, company, partnership,

association, firm, institution, society, trust, joint venture, stock company, or County, State or Federal entity.

(a) Enter the complete name of the company.

1.3 Contact Person Identification:

This information should relate to an individual who can be contacted if there are questions regarding the information contained in this schedule.

(a) Enter the name of the individual.
(b) Enter the title by which the individual is identified in the company.
(c) Enter the area code and the telephone number at which the individual can be reached during normal working hours.

2.0 CERTIFICATION

1) If you file an Intermediate Load Permanent Exemption Form on behalf of a corporation, the Chief Executive Officer and the Chairman of the Board of the corporation shall attest in writing to the accuracy of all information contained in or appended to your petition.

2) If you are filing this petition on behalf of a wholly-owned subsidiary, then the requirements of Paragraph (1) shall apply to the subsidiary, and to the parent corporation as well. (Four signatures may be required.)

3) If you are filing on behalf of an entity other than a corporation, the Chief Managerial Officer shall attest in writing to the accuracy of all information contained in or appended to your petition.

3.0 POWERPLANT DATA. The questions in this Section pertain to the proposed Intermediate Load Powerplant (new powerplant) and the existing powerplant(s) which it will replace. They serve to outline the evidence you should develop in your Fuels Decision Report to corroborate your eligibility for exemption of this unit as an Intermediate Load Powerplant and to provide ERA with a summary of your responses to those evidentiary requirements. Indicate in column (e) the page and chapter number in your Fuels Decision Report (FDR) where your discussion of each question appears.

3.1 Enter the name of the generating station of which each existing powerplant will be replaced by the new unit.

3.2 Enter the unit identification number of each powerplant being replaced.

3.3 Enter the City and State where each powerplant being replaced is located.

3.4 Check the appropriate box to indicate whether or not each powerplant being replaced is owned by the same company which will operate the new powerplant.

3.5 Indicate whether or not each powerplant being replaced is capable of burning coal as a primary energy source.

3.6 Provide the types of fuel consumed for the past two years in each powerplant being replaced.

3.7 Enter the volume of each type of fuel consumed in each powerplant being replaced for the previous years.

3.8 For the new powerplant and each existing powerplant being replaced, provide the Design Generating Capacity in Kilowatts (KW).

3.9 For the new powerplant provide the Design Heat Input Rate in British Thermal Units (BTU's) per Kilowatt hour (KW-hr).

3.10 Multiply the Design Generating Capacity (KW) of the new powerplant [3.8(a) above] by 3,500 hours and enter the product (KW-hours).

3.11 Provide in Kilowatt Hours (KW-hours) the projected electrical generation of the new powerplant for any 12-calendar month period.

3.12 Enter the month, day and year you propose to permanently cease operation of each existing powerplant being replaced by the new powerplant.

3.13 For each "Yes" answer, you are indicating that the existing powerplant cannot be operated while burning coal as a primary energy source without causing or contributing to a pollutant concentration. Include the reasons for such claim and state the page and chapter in your Fuels Decision Report.

4.0 SUPPORTING DOCUMENTATION. In addition to the corroborating evidence outlined in Section 3.0, certain other discussions and/or affidavits and documentation must be included in the Fuels Decision Report.

4.1 Indicate where in your Fuels Decision Report there is a copy of the Air Quality Certification obtained from the Administrator of the Environmental Protection Agency (EPA) or the Director of the appropriate State air pollution control agency certifying that the use of any available alternate fuel as a primary energy source in the new Intermediate Load Powerplant will cause or contribute to a pollutant concentration. Included with the Certification should be a copy of your application for Certification and a copy of all supporting documentation filed with or subsequent to your application.

(1) Enter the date that the Air Quality Certification was issued.

The Air Quality Certification is an essential part of a petition for Intermediate Load Powerplant exemption and ERA will not consider

your petition complete without it. The Certification should include at least a specification of each alternate fuel considered by EPA or the appropriate State air pollution control agency in reaching its decision regarding the Certification.

4.2 Provide the page and chapter number in your Fuels Decision Report which includes an affidavit executed by the Chief Executive Officer of the electric utility which will operate the proposed powerplant, certifying that it will be operated at all times in the future only as an Intermediate Load Powerplant.

4.3 Indicate where in the Fuels Decision Report, you have provided an affidavit executed by the Chief Executive Officer and a qualified engineer of the operating utility which certifies that the proposed Intermediate Load Powerplant can operate at a heat rate of 9,500 BTU's per Kilowatt hour or less throughout the useful life of the powerplant.

4.4 Provide the page and chapter number in your Fuels Decision Report that includes an affidavit executed by the Chief Executive Officer and a qualified engineer of the operating utility certifying that the Intermediate Load Powerplant will be constructed with the capability to use a synthetic fuel derived from an alternate fuel as a primary energy source.

4.5 Cite the page and chapter number in your Fuels Decision Report where you have discussed the identification and description of the syntnetic fuels you have selected, and the basis for your decision to select that particular fuel. Supporting documentation such as marketing studies, contracts or other documents relating to your selection of a particular fuel should be provided.

ERA-

Form Approved
OMB No._____

U.S. DEPARTMENT OF ENERGY
Washington, D. C. 20461

DRAFT

PERMANENT EXEMPTION FOR NEW INSTALLATIONS
NECESSARY TO MEET SCHEDULED OUTAGES

If you are petitioning for a Permanent Exemption to meet Scheduled Equipment Outages, your filing requirements include the General Form for New Installation Petition, a Fuels Decision Report, this form, Schedule D and all pertinent fees.

A separate form must be submitted for each unit for which you are seeking an exemption.

1.0 IDENTIFICATION DATA

What is the name of and unit identification number for this facility, the name of the operating company, and the name, title and telephone number of the person responsible for this form?

1.1 Facility (Site) Data

(a) _____
Name

(b) _____
Unit Identification

1.2 Name of Operating Company:

(a) _____
Name

1.3 Contact Person

(a) _____ Name (b) _____ Title (c) ( ) _____ Area Code, Telephone #

2.0 CERTIFICATION

I certify that the information contained herein and appended hereto is true and accurate to the best of my knowledge.

Name	Title	Signature	Date
Name	Title	Signature	Date

Title 18, USC 1001, makes it a crime for any person knowingly and willingly to make to any Agency or Department of the United States any false, fictitious or fraudulent statements as to any matter within its jurisdiction.

ERA-315 Page 1

3.0 SUPPORTING DOCUMENTATION INFORMATION		
In support of your Petition for Scheduled Equipment Outages, you are required to address specific issues in your Fuels Decision Report. Complete the following questions to provide ERA with a summary of your responses and/or to indicate that such issues have been addressed. As appropriate, indicate the page and chapter number where the issues are discussed in the Fuels Decision Report (FDR).		
	Fuels Decision Report	
	Page	Chapter
	(a)	(b)
3.1 Your routine maintenance schedule does not permit continuing operation unless ERA grants this exemption and the reasons for this contention?		
3.2 Documentary evidence which demonstrates that you considered the use of alternate fuels, including a description of the fuel alternatives you examined and the factors important in your decision to reject the use of alternate fuels. Such factors would include lack of alternate fuel supply, site limitations, environmental requirements, inability to raise adequate capital, or certain State or local requirements.		

4.0 EXEMPTION UNIT DATA

Enter for the appropriate month, the projected type and amount of fuel consumed by the proposed unit for which you are seeking an exemption.

4.1 Exemption Unit Identification

(a) Identification Number _____ (b) Initial month and year of operation ////

4.2 New Installation Operating Data

Enter twelve consecutive months beginning with the month entered in 4.1(b)	Fuel Consumed				Hours of Operation
	Residual Fuel Oil (BBLS) (a)	Distillate Fuel Oil (BBLS) (b)	Natural Gas (MCF) (c)	Other, Specify _____ ( ) (d)	(e)
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					

ERA- Page 3 1/79

4.3 Site Data

Complete for all other units at the site which will be out of service for scheduled maintenance.

Unit Identification Number (a)	Design Capacity (Complete as appropriate for unit specified)		Total Annual Hours of Scheduled Maintenance (d)
	BTU/hour Heat Input (b)	Pounds of Steam/hour (c)	
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			

4.4 Units Scheduled for Outage

Month/Year (a)	Unit Id_____		Unit Id_____		Unit Id_____	
	Fuel Type (b)	Hours of Outage (c)	Fuel Type (d)	Hours of Outage (e)	Fuel Type (f)	Hours of Outage (g)
1						
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
10.						
11.						
12.						

ERA- Page 4 1/79

DRAFT

PERMANENT EXEMPTION FOR NEW INSTALLATIONS
NECESSARY TO MEET SCHEDULED OUTAGES

I. Authority/Purposes. This form is required, pursuant to the provisions of Title 10 of the Code of Federal Regulations, Part 505.31, and Public Law 95-620, Powerplant and Industrial Fuel Use Act of 1978 (FUA), to complete a petition to the Economic Regulatory Administration (ERA) for any exemptions from the prohibitions imposed under Title II, Section 212(j), of FUA. The information provided by this Form will be used by ERA to perform an evaluation of the petitioner's eligibility for an exemption.

II. Who may submit. Form ERA-315 must be submitted by owners of installations who are petitioning for any exemptions under Title II for units classified "New" under the definition of Section 103 of FUA, and for those units which, upon petitioning to ERA for classification were not classified "Existing."

III. To Whom. Submit Form ERA-315 and all accompanying documents in triplicate (3) to:

Department of Energy
Economic Regulatory Administration
2000 M Street, N.W., Room _____
Washington, D. C. 20461

IV. Labeling. "Petition for Permanent Exemption - for New Installation," should be clearly labeled, both on the petition and on the outside of the envelope in which the petition is transmitted.

V. When to File. A petition for exemption(s) may be filed at any time after May 8, 1979.

1.0 Identification Information.

1.1 Facility Data (Site): This information pertains to the site where the new installation is located.

(a) Enter the name by which the unit is identified.

(b) Enter the specific identification of the new unit. For example, Boiler #6, Unit #3, etc.

1.2 Operation Company Identification: This information relates to the company which has the actual responsibility

for the operation of the new installation. Included under the meaning of company is any individual corporation, company, partnership, association, firm, institution, society, trust, joint venture, stock company or County, State or Federal entity. Enter the complete name of the company.

1.3 Contact Person Identification: This information should relate to an individual who can be contacted if there are questions regarding the information contained in this petition.

(a) Enter the name of the individual.

(b) Enter the title by which the individual is identified in the company.

(c) Enter the area code and the telephone number at which the individual may be reached during normal working hours.

2.0 Certification.

(1) If you are filing a petition for exemption(s) on behalf of a corporation, the Chief Executive Officer and Chairman of the Board of the Company shall attest in writing to the accuracy of all information contained in or appended to your petition.

(2) If you are filing a petition for exemption(s) on behalf of a wholly-owned subsidiary, then the requirements of (1) above shall apply to the subsidiary and to the parent corporation as well. (Four signatures may be required).

(3) If you are filing on behalf of an entity other than a corporation, the Chief Managerial Officer shall attest in writing to the accuracy of all information contained in or appended to your petition.

3.0 Supporting Documentation.

In addition to the corroborating evidence outlined in Section 4.0, certain other discussions and/or evidence and documentation must be included in the Fuels Decision Report.

3.1 Indicate where in your Fuels Decision Report there is a discription of your routine maintenance schedule that does not permit continuing operation unless ERA grants this exemption and the reasons for this condition.

3.2 Indicate where in your Fuels Decision Report there is documentary evidence which demonstrates that you considered the use of alternate fuels, including a description of the fuel alternatives you examined and the factors important in your decision to reject the use of alternate fuels. Such factors would include lack of alternate fuel supply, site limitations, environmental requirements, inability to raise adequate capital, or certain State or local requirements.

4.0 Exemption Unit Data.

The questions in this Section pertain to the proposed installation(s) necessary to meet scheduled outages and serve to outline the evidence that you should develop in your Fuels Decision Report. They indicate the schedule of operation for the pertinent unit estimating the number of hours per year and fuel consumption for projected use during the first 12 months of operation after commencement of operation.

4.1 Exemption Unit Identification.

(a) Enter the name by which the unit is identified.

(b) Enter the initial month and year of operation.

4.2 New Installation Operating Data.

(a) Enter the consumption by month of residual oil in barrels of the proposed installation(s) necessary to meet scheduled outages.

(b) Enter the consumption by month of distillate fuel oil in barrels of the proposed installation(s) necessary to meet scheduled outages.

(c) Enter the consumption by month of natural gas in thousands of cubic feet of the proposed installation(s) necessary to meet scheduled outages.

(d) Enter the consumption by month of other fuel in the appropriate units of the proposed installation(s) necessary to meet scheduled outages.

(e) Enter the number of hours of operation by month of the proposed installation(s) necessary to meet scheduled outages.

5.0 Site Data.

The questions in this Section pertain to existing units, and serve to outline the evidence that you should develop in your Fuels Decision Report. They relate to a decription of the maintenance schedule for all units located at the facility which will be out of service for scheduled maintenance at times when the unit for which the exemption is requested, is operating.

(a) Enter the name or number by which the unit is identified.

(b) Enter the total design heat input rate capacity per hour in millions of British Thermal Units (MMBTU's per hour) of the unit.

(c) Enter the total design output of the unit in thousands of pounds of steam per hour.

(d) Enter the total annual hours of scheduled maintenance.

5.1 Units Scheduled for Outage.

(a) Enter the month and year for the scheduled maintenance.

(b) Enter the name or number by which the unit is identified. Enter the type of fuel burned in the unit. For example; coal, #2 distillate, natural gas, etc.

(c) Enter the number of hours for the indicated month and year that the unit will be out of service for maintenance.

ERA-316

U. S. DEPARTMENT OF ENERGY
Washington, D. C. 20461

Form Approved
OMB No.

TEMPORARY PUBLIC INTEREST EXEMPTION
FOR USE OF NATURAL GAS BY EXISTING POWERPLANTS

DRAFT

This Exemption Form must be accompanied by a transmittal letter.

A separate Temporary Public Interest Exemption for use of Natural Gas must be submitted for each unit for which you are seeking an exemption.

1.0 IDENTIFICATION INFORMATION

What is the name, mailing address, city, state and zip code for the Facility, the Operating Company and the Parent company, if applicable?

1.1 Facility Information [DOE USE ONLY]

(a) _____
Name of unit

(b) _____
Generating Station

(c) _____
Address

(d) _____
City, State, Zip Code [DOE USE ONLY]

(e) _____
County

(f) _____
Unit Identification

1.2 Utility Company [DOE USE ONLY]

(a) _____
Name

(b) _____
Address

(c) _____
City, State, Zip Code

1.3 Parent Company or Holding Company [DOE USE ONLY]

(a) _____
Name

(b) _____
Address

(c) _____
City, State, Zip Code

1.4 Enter the name of the person in your company to whom questions regarding this petition may be directed:

(a) _____
Name

(b) _____
Title

(c) _____
Address

(d) _____
City, State, Zip Code

(e) ( )
Telephone

ERA- Page 1 1/79

2.0 FACILITY INFORMATION

2.1 What type of Utility is this?

(a) /_/ Investor Owned (d) /_/ State

(b) /_/ Co-Operative (e) /_/ Municipal

(c) /_/ Federal (f) /_/ Other: _____

2.2 Indicate the type of unit you are seeking an exemption for.

(a) /_/ Boiler (b) /_/ Combustion Turbine (c) /_/ Combined Cycle

2.3 What is the designed capacity of your Unit?

(a) _____ MMBTU's/Hour Heat Irput

(b) _____ Megawatts Output

(c) (If a boiler:) _____ Pounds of Steam Per Hour

2.4 What is the amount of natural gas that was burned in this powerplant in each of following years in terms of thousands of cubic feet (MCF)?

(a) 1974: _____ MCF (c) 1976: _____ MCF

(b) 1975: _____ MCF (d) 1977: _____ MCF

2.5 In what year did this powerplant become operational? _____

2.6 What is the primary energy source that will be replaced if this temporary exemption is granted?

(a) /_/ Middle Distillates

(b) /_/ Residual Oil

(c) /_/ Coal

(d) /_/ Other alternate Fuel, Specify: _____

2.7 What is the amount of natural gas in thousands of cubic feet (MCF) that you will burn in this powerplant each year of the next five years if the temporary exemption is granted?

Year	Amount
(a) 1st year:	MCF
(b) 2nd year:	MCF
(c) 3rd year:	MCF
(d) 4th year:	MCF
(e) 5th year:	MCF

2.8 Indicate the following information for each of your proposed natural gas suppliers.

	Supplier #1 (a)	Supplier #2 (b)	Supplier #3 (c)	Supplier #4 (d)
(1) Name:				
(2) Street:				
City:				
State:				
Zip Code:				
(3) Contact Person:				
Phone:	( )	( )	( )	( )

2.9 Have you attached a copy of your proposed contract, or letter of intent to purchase natural gas, with each of your natural gas suppliers?

(a) ☐ Yes (b) ☐ No

3.0 If you are requesting a temporary exemption for more than one year, have you demonstrated in your Fuels Decision Report why it would be in the public interest for ERA to grant your petition for more than one year?

(a) ☐ Yes - Where in the FDR is this addressed? Page ____ Chapter ____

(b) ☐ No

4.0 CERTIFICATION

I certify that the information contained herein and appended hereto is true and accurate to the best of my knowledge.

Name	Title	Signature	Date
Name	Title	Signature	Date

Title 18, USC 1001, makes it a crime for any person knowingly and willingly to make to any Agency or Department of the United States any false, fictitious or fraudulent statements as to any matter within its jurisdiction.

TEMPORARY PUBLIC INTEREST EXEMPTION
FOR USE OF NATURAL GAS
BY
EXISTING POWERPLANTS

DRAFT

Instructions

I. Authority/Purpose

This form is required pursuant to the provisions of Title 10 of the Code of Federal Regulations, Part 508, Public Law 95-620, Powerplant and Industrial Fuel Use Act of 1978 (FUA), to be filed with the Economic Regulatory Administration for those who are petitioning for a Temporary Public Interest Exemption for use of Natural Gas by Existing Powerplants.

II. Where to submit

Submit Form ERA - 316 in triplicate (3) to:

Department of Energy
Economic Regulatory Administration
2000 M Street, N.W. Room _____
Washington, D.C. 20461

1.0 IDENTIFICATION INFORMATION

1.1 Facility Information (Site): This information pertains to the site where your powerplant (unit) is located.

(a) Enter the name by which the unit is identified.
(b) Enter the name of the generating station at which the unit is located.
(c) Enter the street address of the facility site.
(d) Enter the City and State where the facility site is located and the ZIP code of the address.
(e) Enter the County in which the facility site is located.
(f) Enter the specific identification of the new unit. For example, Boiler #234.

1.2 Utility Company Identification: This information relates to the utility company which has the actual responsibility for the operation of the powerplant. Included under the meaning of company is any individual corporation, company, partnership, association, firm, institution, society, trust, joint venture, stock company, or County, State or Federal entity.

(a) Enter the complete name of the utility company.
(b) Enter the street address of the utility company.
(c) Enter the City and State where the company is located and the ZIP code for the address.

1.3 Parent Company or Holding Company Data: Complete this section only if there is an entity which controls, wholly or partially owns, or is responsible for the operating company.

(a) Enter the name of the entity.
(b) Enter the street address of the entity.
(c) Enter the City and State where the entity is located and the ZIP code of the address.

1.4 Contact Person identification: This information should relate to an individual who can be contacted if there are questions regarding the information contained in this petition.

(a) Enter the name of the individual.
(b) Enter the title by which the individual is identified in the company.
(c) Enter the street address of the individual
(d) Enter the City and State where the individual is located and the ZIP code for the address.
(e) Enter the area code and the telephone number at which the individual may be reached during the normal working hours.

2.0 FACILITY INFORMATION

2.1 Check the appropriate box that indicates the type of utility owning the new generating unit.

2.2 Check the box that indicates the type of generating unit for which you are requesting an exemption(s).

2.3 Provide the design capacities of the generating unit by:

(a) Fuel heat input rate in millions of British Thermal Units (MMBTU's) per hour.
(b) Megawatts output.
(c) If a boiler, the pounds of steam per hour output.

2.4 Provide the amount of natural gas in thousands of cubic feet (MCF) that was burned in the powerplant (unit) for each of the years indicated.

2.5 Enter the date that the powerplant (unit) became operational.

2.6 For the unit which you are petitioning for exemption, check all fuel types that the unit is capable of burning as a Primary Energy Source.

2.7 Provide the estimated amount of natural gas in thousands of cubic feet (MCF) that will be burned in this powerplant (unit) for each year for the next five years from the date of this petition.

2.8 This information pertains to the proposed natural gas suppliers for the unit for which you are requesting an exemption.

(1) Enter the name of the proposed natural gas supplier.
(2) Enter the street and address, City, State and ZIP code.
(3) Contact Person: This information should relate to an individual who can be contacted in the company of the natural gas supplier who can answer questions relating to the supply contract. Enter the telephone number of the gas supplier contact.

2.9 Provide copies of your proposed contracts or letters of intent to purchase natural gas from each of your proposed gas suppliers.

3.0 Indicate in your Fuels Decision Report where you have demonstrated why it would be in the public interest for ERA to grant your petition for more than one year.

4.0 CERTIFICATION

(1) If you are filing a petition for an exemption on behalf of a corporation, the Chief Executive Officer and the Chairman of the Board of the company shall attest in writing to the accuracy of of all information contained in or appended to the petition.

(2) If you are filing a petition for an exemption on behalf of a wholly-owned subsidiary, then the requirements of (1) above shall apply to the subsidiary and to the parent corporation as well. (Four signatures may be required.)

(3) If you are filing on behalf of an entity other than a corporation, the Chief Managerial Officer shall attest in writing to the accuracy of all information contained in or appended to the petition.

DRAFT

ERA -

Form Approved
OMB No._____

UNITED STATES DEPARTMENT OF ENERGY

Washington D. C. 20461

Schedule (A) General and Special Cost Tests for New Powerplants

If you are petitioning for an exemption for a new powerplant based on the lack of available alternate fuel supply at a cost which does not substantially exceed the cost of using imported petroleum, or any other exemption requiring a general or special cost calculation, you must complete this schedule.

1.0 Identification Information.

What is the name of the facility operating company and the person responsible for this form?

1.1 Facility Data	1.2 Operating Company Identification
(a) Name: _____	(a) Name: _____
(b) Unit Identification _____	

1.3 Name of the person in your company to whom questions regarding this petition may be directed if different from the General Form:

(a) Name: _____

(b) Title: _____

(c) Telephone number ( ) -

2.0 Certification.

I certify that the information contained herein and appended hereto is true and accurate to the best of my knowledge.

Name	Title	Signature	Date
Name	Title	Signature	Date

Title 18, USC 1001, makes it a crime for any person knowingly and willingly to make to any Agency or Department of the United States any false, fictitious or fraudulent statements as to any matter within its jurisdiction.

ERA-317 Page 1

3.0 Please list the proposed site/fuel combination cases and the page and chapter in the Fuels Decision Report (FDR) where these are addressed. The base case is your proposed powerplant and site/ fuel cases 1, 2, 3 . . . are cases for which you are claiming the cost of using such alternate fuel substantially exceeds the cost of using imported petroleum.

CASE	POWERPLANT DESCRIPTION (Type &Fuel)	LOCATION and/or Site No.	FDR	
			Page	Chapter
BASE CASE				
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				

Throughout this form please use the above case number as a reference to the fuel combination addressed.

4.0 SUMMARY OF COST RATIOS, NEW POWERPLANTS

Check Type Cost Test
☐ General ☐ Special

COST CASE COMPARISON	COST RATIOS*										
	When completing form for General Cost Test enter cost ratios for all years (including year zero). For Special Cost Test enter ratios for the period of request exemption.										
	No Delay	Successive Years Delays in Starting to Use An Alternate Fuel									
	0	1	2	3	4	5	6	7	8	9	10
1											
2											
3											
4											
5											
6											
7											
8											
9											
10											
11											
12											

ERA-317 Page 3

Instructions and Definitions: (General & Special)

The cost is calculated by:

$$R = \frac{\text{Cost Case (1, 2, 3...)}}{\text{Base Cost Case (oil or natural gas)}}$$

This is referred to as "equation #1" in the FUA regulations. The results are to be entered in the section above.

COST (General) - The total discounted cost in dollars of constructing and operating the powerplant for its useful life.

COST (Special) - The total discounted COST in dollars of constructing and operating the powerplant for the period of the exemption.

NOTE: Express total cost amount in real (prices in effect at the time the petition is submitted) uninflated dollars discounted to present value, year by a factor of 3.5%.

*The cost to use an alternate fuel will be deemed to be substantially in excess of the cost to use imported petroleum where the ratio of the former to the latter is greater than 1.5. To be eligible for a permanent exemption, the ratio must be greater than 1.5 for each year's delay. A permanent exemption will not be granted if the ratios do not exceed 1.5; you will only be eligible for a temporary exemption for the minimum period where the ratio is greater than 1.5.

5.0 SUMMARY OF BASE AND ALTERNATE FUEL COST CASES	Check Type Cost Test ☐ General ☐ Special

COST CASE	TOTAL COST $(000)										
	No Delay in Use of Alt. Fuel	When completing this form for the General Cost Test enter cost in only year ø for Base Case and all successive years for Alternate Fuel Case(s) (including year ø). For the Special Cost Test enter cost for the period of requested exemption.									
		Successive Years Delays in Use of Alternate Fuel									
-	ø	1	2	3	4	5	6	7	8	9	10
Base											
1											
2											
3											
4											
5											
6											
7											
8											
9											
10											
11											
12											

ERA-317 Page 5

5.1 Instructions and Definitions: (General only)

The cost, which is the sum of capital outlays, O&M, and fuel costs for each alternative and the oil fired installation discounted to present is calculated by:

$$COST = I + \frac{OM_1 + FL_1}{(1 + K)^1} + \frac{OM_2 + FL_2}{(1 + K)^2}$$

$$+ \ldots + \frac{OM_N + FL_N}{(1 + K)^N} - \frac{S_p}{(1 + K)^p}$$

Where I = Discounted total net capital outlay in dollars, excluding investment tax credits and "Advances in Aid of Construction" (as per FERC system of accounts). May include investment in additional transmission facilities to deliver power to your service area. (ERA will not consider investment tax credits for oil or gas fired powerplants.)

Calculate investment in the above equation with the following equation:

$$\text{Where } I = I_o + \frac{I_1}{(1+K)^1} + \frac{I_2}{(1+K)^2} + \ldots$$

$$+ \frac{I_N}{(1+K)^N}$$

Where:

I_o = Net captial outlay in dollars up to the time the powerplant goes into operation or the alternate power supply becomes available.

$I_1 \ldots I_N$ = Yearly net capital outlay from first year of operation through the life of the plant.

OM = Annual cost in dollars of operating and maintaining the unit. May include expenditures for wheeling power to your service area.

S = Salvage value of equipment rendered useless by changing the fuel from oil or natural gas to alternate fuel in year p, if the fuel is changed.

The cost is computed with successive starting dates for alternate fuel use for the first 10 years of operation. Capital investmnet, operating and maintenance and fuel expenditures should reflect postponed use of alternate fuel (e.g., installation of scrubber when used).

5.2 Instructions and Definitions (Special Only): The cost which is the sum capital outlays, O&M and fuel cost for each alternative and the oil fired powerplant discounted to present, is calculated by:

$$COST = I + \frac{OM_1 + FL_1}{(1+K)^1} + \frac{OM_2 + FL_2}{(1+K)^2}$$

$$+ \ldots + \frac{OM_p + FL_p}{(1+K)^p} - \frac{S_p}{(1+K)^p}$$

Where I = Discounted total net capital outlay in dollars excluding investment tax credits and "Advance in Aid of Construction" (as per FERC system of accounts) to use oil or natural gas as a primary energy source during the period of the proposed exemption in a dual fired powerplant.

The investment in the basic powerplant (that which would be required if oil-or natural gas-fired powerplants.)

Calculate Investment(I), for the equation above using the following equation:

$$I = I_o + \frac{I_1}{(1+K)^1} + \frac{I_2}{(I+K)^2} + \ldots + \frac{I_p}{(1+K)^p}$$

Where I_o = Net capital outlay in dollars up to the time the powerplant goes into operation to use oil or natural gas as a primary energy source during the period of the proposed exemption in a dual-fired powerplant.

$I_1 \ldots I_p$ = Yearly net capital outlay from first year of operation up to the change to alternate fuel to use oil or natural gas as a primary energy source during the period of the proposed exemption in a dual-fired powerplant.

NOTE: All other terms used in the special cost test equation are the same as those used in the General Cost Test Equation (e.g. OM, FG, p, etc.)

6.0 Capital Outlays - New Powerplants Check Appropriate Boxes ☐ General Cost Test ☐ Special Cost Test ☐ Base Case ☐ Alternate Fuel Case _____ 6.1 (a) COST ITEM CATEGORIES	(b) Net Capital Outlay		(c) Investment Tax Credit	(d) Salvage Value		Fuels Decision Report	
	Amount Expressed in Non-inflated $(000)	Calendar Year of Outlay	Amount Expressed in Non-inflated $(000)	Amount Expressed in Non-inflated $(000)	Calendar Year of Salvage	Page	Chapter
A. COST OF PURCHASED EQUIPMENT							
1. Boilers.							
2. Waste Heat Boilers.							
3. Combustion Turbines.							
4. Internal Combustin Engines.							
5. Steam Turbines.							
6. Generators.							
7. Flue Gas Desulfurization (FGD) System.							
a. Scrubber modules and ductwork.							
b. FGD system make up water pumps and motors.							
c. Reheaters, booster fans and motors.							
d. Sludge thickening and pumping equipment.							
e. Stack Lining.							
f. Electrical.							
g. Lime unloading equipment.							

ERA-317 Page 9

6.0 Capital Outlays - New Powerplants Check Appropriate Boxes: ☐ General Cost Test ☐ Special Cost Test ☐ Base Case ☐ Alternate Fuel Case _____ 6.1 (a) COST ITEM CATEGORIES	(b) Net Capital Outlay		(c) Investment Tax Credit	(d) Salvage Value		Fuels Decision Report	
	Amount Expressed in Non-inflated ($000)	Calendar Year of Outlay	Amount Expressed in Non-inflated $(000)	Amount Expressed in Non-inflated $(000)	Calendar Year of Salvage	Page	Chapter
8. Electrostatic Precipitators.							
a. Precipitator.							
b. Ductwork.							
c. Power Supply.							
9. Fabric filters.							
a. Baghouse.							
b. Ductwork.							
c. Fans and Motors.							
10. Steam Condensers.							
11. Condensate Pumps.							
12. Feed Water Treatment and Storage Equipment.							
13. Mechanical Draft Cooling Towers.							
a. Tower.							
b. Cooling tower circulating pumps.							

6.0 Capital Outlays - New Powerplants Check Appropriate Boxes: ☐ General Cost Test ☐ Special Cost Test ☐ Base Case ☐ Alternate Fuel Case _____ 6.1 (a) COST ITEM CATEGORIES	(b) Net Capital Outlay		(c) Investment Tax Credit	(d) Salvage Value		Fuels Decision Report	
	Amount Expressed in Non-inflated $(000)	Calendar Year of Outlay	Amount Expressed in Non-inflated $(000)	Amount Expressed in Non-inflated $(000)	Calendar Year of Salvage	Page	Chapter
14. Wastewater Treatment.							
a. Bottom Ash Sludge System.							
b. Coal pile runoff collection system.							
c. Recycle water pumping.							
d. Sludge lagoon.							
e. Electrical.							
15. Fuel Oil Storage Tanks and Pumps.							
16. Land Costs.							
17. Fly Ash Disposal System.							
18. Stack.							
19. Coal Handling System.							
a. Rail System.							
b. Barge System.							

6.0 Capital Outlays - New Powerplants Check Appropriate Boxes ☐ General Cost Test ☐ Special Cost Test ☐ Base Case ☐ Alternate Fuel Case _____	(b) Net Capital Outlay		(c) Investment Tax Credit	(d) Salvage Value		Fuels Decision Report	
6.1 (a) COST ITEM CATEGORIES	Amount Expressed in Non-inflated ($000)	Calendar Year of Outlay	Amount Expressed in Non-inflated ($000)	Amount Expressed in Non-inflated ($000)	Calendar Year of Salvage	Page	Chapter
c. Car and Barge Unloading System							
d. Conveyors							
e. Silos or Bunkers							
f. Pulverizers							
B. GENERAL STRUCTURAL AND CIVIL COSTS							
1. Site Work							
2. Coal Supply System							
3. Flue Gas Desulfurization System							
4. Site Utilities							
5. Buildings and Enclosures							
6. Precipitator and Bag House Installation							
7. Ductwork and Stack							
8. Mechanical Piping							
9. Condensor Cooling System							
10. Bottom Ash Disposal System							
11. Fly Ash Disposal System							

6.0 Capital Outlays - New Powerplants

Check Appropriate Boxes ☐ General Cost Test ☐ Special Cost Test ☐ Base Case ☐ Alternate Fuel Case _____

6.1 (a) COST ITEM CATEGORIES	(b) Net Capital Outlay		(c) Investment Tax Credit	(d) Salvage Value		Fuels Decision Report	
	Amount Expressed in Non-inflated ($000)	Calendar Year of Outlay	Amount Expressed in Non-inflated ($000)	Amount Expressed in Non-inflated ($000)	Calendar Year of Salvage	Page	Chapter
12. Electrical Work							
13. Equipment Foundations							
C. Indirect Costs							
D. Engineering Costs							
E. Contingency Costs							
F. Interest During Construction							

ERA-317

Page 13

6.1 Instructions and Definitions.

Capital Equipment Section.

a. Cost Item Categories - Check appropriate case (base or alternate fuel and case number) and General Cost test or Special Cost test. (Section 6.1 must be completed for the base case and each alternate fuel case.) Enter this data in columns to the right for each cost item category. (Items A.1 through F).

b. Net Capital Outlays - Total capital outlay minus investment tax credit. Enter amount in thousands of dollars expressed in real (uninflated) terms using the prices in effect at the time the petition is submitted. Enter calendar year outlays and made.

c. Investment Tax Credit - Enter the amount in thousands of dollars in real (uninflated) terms, using the prices in effect at the time the petition is submitted.

d. Salvage value - Enter the estimated salvage value expressed in thousands of dollars in real (uninflated) terms using the prices in effect at the time the petition is submitted. Enter the calendar year. The salvage value is recognized.

e. Fuels Decision Report - Enter page and chapter of your FDR where cost item categories are discussed and amounts estimated.

NOTE: This Section is for the basecase, alternate fuel cases which require no changes in capital outlay timing. Where alternate fuel use is delayed year by year requiring changes in capital timing, complete Section 6.2.

6.2 CAPITAL OUTLAYS, NEW POWERPLANT

Check Type Cost Test
☐ General ☐ Special

Changes in timing of net capital outlays due to delayed use of alternate fuel

CHANGE IN YEARS OUTLAYS ARE MADE

Enter under columns below the number of the year (from the proposed powerplant's operational date) that outlays will be made. Example: If the delaying of burning of an alternate fuel for four years causes a required net capital outlay to be made in year two then the number 2 would be entered under Column 4, etc.

ALT. FUEL CASE NO.	Cost item categories (enter item no. from section 6.1 which changes and year no. in column to right)	SUCCESSING YEARS DELAYS IN STARTING TO USE AN ALTERNATE FUEL									
		1	2	3	4	5	6	7	8	9	10

ERA-317 Page 14

6.2 Instructions and Definitions. Changes in Capital Outlays.

a. Alternate fuel cost case number. Enter all cases from Section 3.0 which have changes in capital outlay timing.

b. List all cost item categories which have changes in capital outlay timing (enter only time number and letter).

c. Enter the calendar year in which the capital outlay would be incurred under each successive years delay in starting to use an alternate fuel column. (The changes from that reported in Section 6.1 are due to the delay in use of alternate fuel.)

6.3 CAPITAL SALVAGE, NEW POWERPLANT	Check Type Cost Test ☐ General ☐ Special

Changes in years equipment would be salvaged due to delayed use of alternate fuel

ALT. FUEL CASE NO.	Cost item categories (enter item no. from section 6.1 which changes and year no. in column to right)	CHANGE IN YEARS EQUIPMENT IS SALVAGED Enter under columns below the year number (from the proposed powerplant's operational date) that equipment would be salvaged. Example: If the burning of an alternate fuel delayed four years causes equipment to be salvaged in year two then the number 2 would be entered under column 4. SUCCESSING YEARS DELAYS IN STARTING TO USE AN ALTERNATE FUEL									
		1	2	3	4	5	6	7	8	9	10

ERA-317 Page 16

7.0 ANNUAL OPERATION AND MAINTENANCE EXPENDITURES, NEW POWERPLANTS		Check Type Cost Test ☐ General ☐ Special
COST CASE	(a) Annual outlay(s) for O&M expenditures during the period the powerplant burns petroleum and natural gas.	(b) Annual outlay for O&M expenditures during the period the powerplant burns alternate fuel.
	Expressed in Non-Inflated $(000)	Expressed in Non-Inflated $(000)
BASE		
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		

ERA-317 Page 17

7.0 Instructions.

This table is constructed under the assumption that O&M outlays will remain constant. If O&M does not remain constant, complete Section 7.1 for the periods of change. All outlays should be expressed in thousands of dollars in real (uninflated) terms using the prices in affect at the time the petition is submitted.

a. Enter annual O&M expenditures (less fuel cost) for each case while burning petroleum or natural gas.

b. Enter annual O&M expenditures (less fuel costs) for each alternate fuel case while burning the alternate fuel.

c. Annual O&M expenditures will be calculated with the following equation:

$$OM = 8760 \times ACF \times 0 \times C$$

Where: ACF = Annual capacity factor of the powerplant (0.70) expressed as a fraction

O = Operations and maintenance in dollars per Kwh at 70% annual capacity factor ($/Kwh).

C = Design capacity of the plant in kW.

7.1 OPERATION AND MAINTENANCE OUTLAYS, NEW POWERPLANTS										Check Type Cost Test ☐ General ☐ Special
Changes in Annual Operation and Maintenance Expenditures										
COST CASE (a)	Year(s) Delay of Use of Alternate Fuel (b)	For use only if O&M expenditures are not constant with the amounts indicated in Sec. 7.0. Enter only periods and annual amounts which differ from those reported in the above mentioned section.year(from,to) refer to beginning & ending calendar yr for period amounts change.								
		ANNUAL O&M EXPENDITURES AND PERIODS OF YEARS INCURRED								
		From Year (c)	To Year (c)	Annual O&M $(000)(d)	From Year (c)	To Year (c)	Annual O&M $(000)(d)	From Year (c)	To Year (c)	Annual O&M $(000)(d)

ERA-317 Page 20

7.1 Instructions and Definitions. Changes in annual operating and maintenace expenditures.

a. Cost case. Enter case number of all cases from Section 3.0 which have changes in O&M expenditures.

b. Year delay of use of alternate fuel. Enter number of years delay in burning alternate fuel.

c. From year to year. Enter the calendar years when the change of O&M begins and ends.

d. Annual O&M - Enter the amount in thousands of dollars in real (uninflated) terms, using the price in effect at the time the petition is submitted.

NOTE: For each line there is space for three periods of changes of O&M expenditures. If more room is needed, enter the case number on the next line and repeat the process described in (a) through (d).

8.0 ANNUAL FUEL EXPENDITURES, NEW POWERPLANTS		Check Type Cost Test ☐ General ☐ Special
COST CASE	Annual Outlay(s) for Fuel Expenditures During the Period the Powerplant Burns Petroleum and/or Natural Gas	Annual Outlay(s) for Fuel Expenditures During the Period the Powerplant Burns Alternate Fuel
	Expressed in Non-Inflated $(000)	Expressed in Non-Inflated $(000)
BASE		
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		

ERA-317 Page 22

8.0 Instructions.

This table is constructed under the assumption that fuel outlays will remain constant. If fuel outlays do not remain constant, complete Section 8.1 for the periods of change. All outlays should be expressed in thousands of dollars in real (uninflated) terms using the prices in effect at the time the petition is submitted.

a. Enter annual fuel expenditures for each case while burning petroleum or natural gas.

b. Enter annual fuel expenditures for each alternate fuel case while burning the alternate fuel.

8.0 Instructions (Con't).

		Fuels Decision Report Page	Fuels Decision Report Chapter
(a) Oil or Natural Gas Data: This data is to be submitted for each change of price or BTU content for each case.			
(1) Price imported crude oil (Federal Register reference _____)	$____ per BBL	____	_____
(2) Price of composite crude oil (Federal Register reference _____)	$____ per BBL	____	_____
(3) Price of your fuel* (Fuels Decision Report reference _____)	$____ per BBL	____	_____
(4) BTU's per barrel of oil	____ 10^6 per BBL	____	_____

*If you use natural gas, this term will be the price of No. 2 distillate fuel oil.

(b) Alternate Fuel Data	_____ of Fuel		
(1) Price of delivered alternate fuel.	$____ per unit	____	_____
(2) BTU's per unit	____ 10^6 per unit	____	_____
(3) What is the unit (BBL, Tons, Etc.).	_____		

ERA-317 Page 24

Annual delivered fuel expenditures (FL) will be calculated by the following equation:

$$FL = 8760 \times ACF \times C \times C \times f \times H$$

Where:

ACF = Annual capacity factor of the powerplant (0.70) expressed as a fraction.

C = Design capacity of the plant in kW.

f = Delivered fuel expenditures to the plant expressed in dollars per Btu.

H = Heat input rate for the plant in Btu per KWH.

8.1 FUEL OUTLAYS, NEW POWERPLANT	Check Type Cost Test ☐ General ☐ Special

Changes in Annual Fuel Expenditures

COST CASE	Year(s) Delay of Use of Alternate Fuel	For use only if fuel expenditures are not constant with the amounts indicated in Sec. 8.0. Enter only periods and annual amounts which differ from those reported in the above mentioned section. ear (from,to) efer to the beginning & ending calendar year for the period amounts change.								
		ANNUAL FUEL EXPENDITURES AND PERIOD OF YEARS INCURRED								
		From Year	To Year	Annual Fuel	From Year	To Year	Annual Fuel	From Year	To Year	Annual Fuel
(a)	(b)	(c)	(c)	$(000) (d)	(c)	(c)	$(000) (d)	(c)	(c)	$(000) (d)

ERA-317 Page 26

8.1 Instructions and Definitions - Changes in annual fuel expenditures.

a. Cost case. Enter case number of all cases from Section 3.0 which have changes in fuel expenditures.

b. Year delay of use of alternate fuel. Enter number of years delay in burning alternate fuel.

c. From year to year. Enter the calendar years when the change of fuel expenditures begins and ends.

d. Annual Fuel Enter the amount in thousands of dollars in real (uninflated) terms using the price in effect at the time the petition is submitted.

NOTE: For each line there is space for three periods of changes of fuel expenditures. If more room is needed, enter the case number on the next line and repeat the process described in (a) through (d).

9.0 Miscellaneous Data.

	Fuels Decision Report	
	Page	Chapter
9.1 Enter date that your proposed powerplant will become operational.	____	_____

_____/_____/_____
Month Day Year

DRAFT

ERA- U.S. DEPARTMENT OF ENERGY Form Approved

OMB No. _____

Schedule (B) General and Special Cost Tests for New Installations

If you are petitioning for an exemption for a new installation based on the lack of available alternate fuel supply at a cost which does not substantially exceed the cost of using imported petroleum, or any other exemption requiring a general or special cost calculation, you must complete this Schedule.

1.0 Identification Information.

What is the name of the facility operating company and the person responsible for this form?

1.1 Facility Data	1.2 Operating Company Identification
(a) Name: _____	(a) Name: _____
(b) Unit Identification _____	

1.3 Name of the person in your company to whom questions regarding this petition may be directed if different from the General Form:

(a) Name: _____

(b) Title: _____

(c) Telephone number ( ) -

2.0 Certification.

I certify that the information contained herein and appended hereto is true and accurate to the best of my knowledge.

Name	Title	Signature	Date
Name	Title	Signature	Date

Title 18, USC 1001, makes it a crime for any person knowingly and willingly to make to any Agency or Department of the United States any false, fictitious or fraudulent statrments as to any matter within its jurisdiction.

ERA-318 Page 1

3.0 Please list the fuel/type of installation cases and the page and chapter in the Fuels Decision Report (FDR) where these are addressed. The base case is your proposed facility and fuel case 1, 2, 3... are alternate fuel/type of installation combinations for which you are claiming the cost of using such alternate fuel substantially exceeds the cost of using imported petroleum.

CASE	Installation Description (Type & Fuel)	FDR	
		Page	Chapter
BASE CASE			
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			

Throughout this form please use the above case number as a reference to the fuel combination addressed.

ERA-318 Page 2

4.0 SUMMARY OF COST RATIOS, NEW INSTALLATIONS	Check Type Cost Test ☐ General ☐ Special

COST CASE COMPARISON	COST RATIOS* When completing form for General Cost Test enter cost ratios for all years (including year zero). For Special Cost Test enter ratios for the period of request exemption.										
	No Delay	Successive Years Delays in Starting to Use An Alternate Fuel									
	0	1	2	3	4	5	6	7	8	9	10
1											
2											
3											
4											
5											
6											
7											
8											
9											
10											
11											
12											

ERA-318 Page 3

4.1 INSTRUCTIONS AND DEFINITIONS: (General & Special)

The Cost Ratios (R) are calculated by the formula:

$$R = \frac{\text{Cost Case } (1, 2, 3, \ldots)}{\text{Base Cost Case (Oil or Natural Gas)}}$$

This is referred to as "Equation #1" in the FUA Regulations. The results are to be entered in the section above.

COST (General) The total discounted after tax cost in dollars of constructing and operating the installation for its useful life.

COST (Special) The total discounted after tax cost in dollars of constructing and operating the installation for the period of the exemption.

Note: Express total cost amounts in real (prices in effect at the time the petition is submitted) uninflated dollars discounted to present value, by a factor of 7.0%.

*The cost to use an alternate fuel will be deemed to be substantially in excess of the cost to use imported petroleum where the ratio of the former to the latter is greater than 1.5. To be eligible for a permanent exemption, the ratio must be greter than 1.5 for each year's delay. A permanent exemption will not be granted if the ratios do not always exceed 1.5; you will only be eligible for a temporary exemption for the minimum period where the ratio is greater than 1.5.

5.0 SUMMARY OF BASE AND ALTERNATE FUEL COST CASES	Check Type Cost Test ☐ General ☐ Special

COST CASE	TOTAL COST $(000)										
	No Delay in Use of Alt. Fuel	When completing this form for the General Cost Test enter cost in only year ø for Base Case and all successive years for Alternate Fuel Case(s) (including year ø). For the Special Cost Test enter cost for the period of requested exemption.									
		Successive Years Delays in Use of Alternate Fuel									
	ø	1	2	3	4	5	6	7	8	9	10
Base											
1											
2											
3											
4											
5											
6											
7											
8											
9											
10											
11											
12											

ERA-318 Page 5

5.1 INSTRUCTIONS AND DEFINITIONS: (General only)

The cost which is the sum of capital outlays, O&M, and fuel costs for each alternative and the oil fired installation discounted to present, is calculated by:

$$COST = I + \frac{(1-t)(OM_1 + FL_1) - t \cdot DPR_1}{(1+K)^1}$$

$$+ \frac{(1-t)(OM_2 + FL_2) - t \cdot DPR_2}{(1+K)^2}$$

$$+ \ldots + \frac{(1-t)(OM_N + FL_N) - t \quad DPR_N}{(1+K)^N}$$

$$- \frac{Sp}{(1+K)^p}$$

Where I = Discounted total net capital outlay in dollars excluding investment tax creditrs.

Calculate investment (I) for the equation above using the following equation:

$$I = I_o + \frac{I_1}{(1+K)^1} + \frac{I_2}{(1+K)^2} + \ldots + \frac{I_N}{(1+K)^N}$$

Where I_o = Net capital outlay in dollars up to the time the installation goes into operation, and

$I_1 \ldots I_n$ = Yearly net capital outlays from first year of operation through the life of the installation.

OM = Annual cost in dollars of operating and maintaining an installateion.

5.2 INSTRUCTIONS AND DEFINITIONS: (Special only)

The cost which is the sum of capital outlays, O&M, and fuel costs for each alternative and the oil fired installation discounted to present value, is calculated by:

$$COST = \frac{I + (1-t)(OM_1 + FL_1) - t \cdot DPR_1}{(1+K)^1} + \frac{(1-t)(OM_2 + FL_2) - t \cdot DPR_2}{(1+K)^2} + \ldots + \frac{(1-t)(OM_p + FL_p) - t \cdot DPR_p}{(1+K)^p} - \frac{Sp}{(1+K)^p}$$

WHERE: I = Discounted total next capital outlay in dollars excluding investment tax credit to use oil or natural gas as a primary energy source during the period of the proposed exemption, in a dual fired installation. The investment in the basic installation (that which would be required if oil or natural gas was not used) itself is not included in this comparison as it is irrelevant. (ERA will not consider investment tax credits for oil and gas fired installations.)

Calculate Investment (I), for the equation above using the following equation:

$$I = I_o + \frac{I_1}{(1+K)^1} + \frac{I_2}{(1+K)^2} + \ldots \frac{I_p}{(1+K)^p}$$

Where: I_o = Net capital outlay in dollars up to the time the installation goes into operation to use oil or natural gas as a primary energy source during the period of the proposed exemption, in a dual fired installation, and

$I_1 \ldots I_p$ = Yearly net capital outlay from first year of operation up to the change to alternate fuel to oil or natural gas as a primary energy source during the period of the proposed exemption, in a dual fired installation.

All other terms used in the Special Cost Test are the same as those used in the General Cost Test (e.g. OM, FL, p . . . . etc).

FL = Annual delivered fuel expenditures in dollars.

S_p = Salvage value of equipment rendered useless by changing the fuel from oil or natural gas to alternate fuel in year p, if the fuel is changed.

K = The real cost of capital expressed as a fraction.

N = The useful life of the installation.

p = Year fuel is changed from oil or natural gas to alternate fuel.

t = Federal income tax rate.

DPR = Annual depreciation using the method which depreciates the asset as quickly as allowed by law. You cannot use accelerated depreciation for oil and gas fired boilers.

The cost is computed with successive starting dates for alternate fuel use for the first 10 years of operation. Capital investment, operating and maintenance and fuel expenditures should reflect postponed use of alternate fuel (e.g., installation of scrubber when used.

6.0 Capital Outlays - New Installations Check Appropriate Box ☐ General Cost Test ☐ Base Case ☐ Special Cost Test ☐ Alternate Fuel Case _____	(b) Net Capital Outlay		(c) Investment Tax Credit	(d) Tax Life	(e) Depreciation Method	(f) Salvage Value		Fuels Decision Report	
6.1 (a) COST ITEM CATEGORIES	Amount Expressed in Non-Inflated $(000)	Calendar Year of Outlay	Amount Expressed in Non-inflated $(000)	Years From Time Placed in Service	Enter Number(s) From Section 6.2	Amount Expressed in Non-Inflated $(000)	Calendar Year of Salvage	Page	Chapter
A. COST OF PURCHASED EQUIPMENT									
1. Boilers.									
2. Waste Heat Boilers.									
3. Combustion Turbines.									
4. Internal Combustin Engines.									
5. Steam Turbines.									
6. Generators.									
7. Flue Gas Desulfurization (FGD) System.									
a. Scrubber modules and ductwork.									
b. FGD system make up water pumps and motors.									
c. Reheaters, booster fans and motors.									
d. Sludge thickening and pumping equipment.									
e. Stack Lining.									
f. Electrical.									
g. Lime unloading equipment.									

ERA-318 Page 10

6.0 Capital Outlays - New Installations Check Appropriate Box ☐ General Cost Test ☐ Base Case ☐ Special Cost Test ☐ Alternate Fuel Case _____ 6.1 (a) COST ITEM CATEGORIES	(b) Net Capital Outlay		(c) Investment Tax Credit	(d) Tax Life	(e) Depreciation Method	(f) Salvage Value		Fuels Decision Report	
	Amount Expressed in Non-Inflated $(000)	Calendar Year of Outlay	Amount Expressed in Non-inflated $(000)	Years From Time Placed in Service	Enter Number(s) From Section 6.2	Amount Expressed in Non-Inflated $(000)	Calendar Year of Salvage	Page	Chapter
8. Electrostatic Precipitators.									
a. Precipitator.									
b. Ductwork.									
c. Power Supply.									
9. Fabric filters.									
a. Baghouse.									
b. Ductwork.									
c. Fans and Motors.									
10. Steam Condensers.									
11. Condensate Pumps.									
12. Feed Water Treatment and Storage Equipment.									
13. Mechanical Draft Cooling Towers.									
a. Tower.									
b. Cooling tower circulating pumps.									

ERA-318 Page 11

6.0 Capital Outlays - New Installations Check Appropriate Box: ☐ General Cost Test ☐ Base Case ☐ Special Cost Test ☐ Alternate Fuel Case _____	(b) Net Capital Outlay		(c) Investment Tax Credit	(d) Tax Life	(e) Depreciation Method	(f) Salvage Value		Fuels Decision Report	
6.1 (a) COST ITEM CATEGORIES	Amount Expressed in Non-Inflated $(000)	Calendar Year of Outlay	Amount Expressed in Non-inflated $(000)	Years From Time Placed in Service	Enter Number(s) From Section 6.2	Amount Expressed in Non-Inflated $(000)	Calendar Year of Salvage	Page	Chapter
14. Wastewater Treatment.									
a. Bottom Ash Sludge System.									
b. Coal pile runoff collection system.									
c. Recycle water pumping.									
d. Sludge lagoon.									
e. Electrical.									
15. Fuel Oil Storage Tanks and Pumps.									
16. Land Costs.									
17. Fly Ash Disposal System.									
18. Stack.									
19. Coal Handling System.									
a. Rail System.									
b. Barge System.									

ERA-318 Page 12

6.0 Capital Outlays, New Installations Check Appropriate Box: ☐ General Cost Test ☐ Base Case ☐ Special Cost Test ☐ Alternate Fuel Case _____	(b) Net Capital Outlay		(c) Investment Tax Credit	(d) Tax Life	(e) Depreciation Method	(f) Salvave Value		Fuels Decision Report	
6.1 (a) COST ITEM CATEGORIES	Amount Expressed in Non-Inflated $(000)	Calendar Year of Outlay	Amount Expressed in Non-inflated $(000)	Years From Time Placed in Service	Enter Number(s) From Section 6.2	Amount Expressed in Non-Inflated $(000)	Calendar Year of Salvage	Page	Chapter
c. Car and Barge Unloading System									
d. Conveyors									
e. Silos or Bunkers									
f. Pulverizers									
B. GENERAL STRUCTURAL AND CIVIL COSTS									
1. Site Work									
2. Coal Supply System									
3. Flue Gas Desulfurization System									
4. Site Utilities									
5. Buildings and Enclosures									
6. Precipitator and Bag House Installation									
7. Ductwork and Stack									
8. Mechanical Piping									
9. Condensor Cooling System									
10. Bottom Ash Disposal System									
11. Fly Ash Disposal System									

6.0 Capital Outlays, New Installations Check Appropriate Box ☐ General Cost Test ☐ Base Case ☐ Special Cost Test ☐ Alternate Fuel Case _____ 6.1 (a) COST ITEM CATEGORIES	(b) Net Capital Outlay		(c) Investment Tax Credit	(d) Tax Life	(e) Depreciation Method	(f) Salvave Value		Fuels Decision Report	
	Amount Expressed in Non-Inflated $(000)	Calendar Year of Outlay	Amount Expressed in Non-inflated $(000)	Years From Time Placed in Service	Enter Number(s) From Section 6.2	Amount Expressed in Non-Inflated $(000)	Calendar Year of Salvage	Page	Chapter
12. Electrical Work									
13. Equipment Foundations									
C. Indirect Costs									
D. Engineering Costs									
E. Contingency Costs									
F. Interest During Construction									

6.1 INSTRUCTIONS AND DEFINITIONS. Capital Equipment Section.

a. Cost Item Categories - Check appropriate case (Base or Alternate Fuel and case number) and general cost cost test or special cost test. (Section 6.1 must be completed for base and each alternate fuel case.) For each cost item category enter data request in columns to the right. (Item A. 1 through F.)

b. Net capital outlays - Total capital outlay minus investment tax credit. Enter amount in thousand of dollars expressed in real (uninflated) terms using the prices in effect at the time the petition is submitted. Enter calendar year outlays are made.

c. Investment tax credit - Enter the amount in thousand of collars expressed in real (uninflated) terms using the prices in effect at the time the petition is submitted.

d. Tax Life - Enter the IRS tax life of the equipment.

e. Depreciation method - Enter method number from section 6.2.

f. Salvage Value - Enter the estimated salvage value expressed in thousands of dollars in real (uninflated) terms, using the prices in effect at the time the petition is submitted, and the calendar year the salvage value is recognized.

g. Fuels Decision Report - enter page and chapter of your FDR where cost item categories are discussed and amounts estimated.

Note: This section is for the Base case and Alternate Fuel Cases which begin operation in year zero or require no changes in capital outlay timing. In those cases where Alternate Fuel Use is delayed year by year and require changes in capital timing complete section 6.3 and Section 6.4, as necessary.

6.2 In the table below, describe each depreciation method used and list the page and chapter in the Fuels Decision Report where it is addressed. The method number shall be entered under depreciation method in section 6.1 (capital equipment) for each cost item category.

Method No.	Depreciation Description	Fuels Decision Report	
		Page	Chapter
1.			
2.			
3.			
4.			

6.3 CAPITAL OUTLAYS, NEW INSTALLATIONS	Check Type Cost Test ☐ General ☐ Special

Changes in Timing of Net Capital Outlays Due to Delayed Use of Alternate Fuel

ALT. FUEL CASE NO.	Cost Item Categories (Enter Item No. From Section 6.1 which changes and year no. in Column to rt)	CHANGE IN YEARS OUTLAYS ARE MADE Enter under columns below the number of the year (from the proposed installation's operational date) that outlays will be made. Example: If the delaying of burning of an alternate fuel for four years causes a required net capital outlay to be made in year two then the number 2 would be entered under Column 4, etc. SUCCESSING YEARS DELAYS IN STARTING TO USE AN ALTERNATE FUEL									
		1	2	3	4	5	6	7	8	9	10

ERA-318 Page 15

6.3 INSTRUCTIONS AND DEFINITIONS. Changes in Capital Outlays

a. Alternate Fuel Cost Case Number. Enter all case from section 3.0 which have changes in the capital timing of cost item categories listed on 6.1.

b. Cost Item Categories. List all items as defined in a. above (enter only item number and letter).

c. Changes in year outlays are made. Enter under each successive year of delay in starting to use an Alternate Fuel columr the calendar year in which the capital outlay would be incurred for that delay. (The changes from that reported in section 6.1 is due to the delay in use of alternate fuel.)

6.4 CAPITAL SALVAGE, NEW INSTALLATIONS

Check Type Cost Test
☐ General ☐ Special

Changes in Years Equipment Would be Salvaged Due to delayed use of alternate fuel

ALT. FUEL CASE NO.	Cost item categories (enter item no. from section 6.1 which changes and year no. in column to right)	CHANGE IN YEARS EQUIPMENT IS SALVAGED Enter under columns below the year number (from the proposed installation's operational date) that equipment would be salvaged. Example: If the burning of an alternate fuel delayed four years causes equipment to be salvaged in year two then the number 2 would be entered under Column 4. SUCCESSING YEARS DELAYS IN STARTING TO USE AN ALTERNATE FUEL									
		1	2	3	4	5	6	7	8	9	10

ERA-318 Page 17

6.4 INSTRUCTIONS AND DEFINITIONS - Changes in years equipment would be salvaged.

a. Alternate Fuel Cost Case Number. Enter all cases from Section 3.0 which have changes, relative to in section 6.1, in their salvage schedule.

b. Cost Item Categories. List all items which have changes in their salvage schedules (enter only item number and letter.)

c. Successive years of delay in starting to use an Alternate Fuel. Enter the calendar year in which equipment would be salvaged. (The change from that reported in Section 6.1, being caused by the uses of Alternate Fuel.)

7.0 ANNUAL OPERATION AND MAINTENANCE EXPENDITURES, NEW INSTALLATION		Check Type Cost Test ☐ General ☐ Special
COST CASE	(a) Annual outlay(s) for O&M expenditures during the period the installation burns petroleum and natural gas	(b) Annual outlay(s) for O&M expenditures during the period the installation burns alternate fuel
	Expressed in Non-Inflated $(000)	Expressed in Non-Inflated $(000)
BASE		
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		

ERA-318 Page 19

7.1 OPERATION AND MAINTENANCE OUTLAYS, NEW INSTALLATIONS											Check Type Cost Test ☐ General ☐ Special
Changes in Annual Operation and Maintenance Expenditures											
COST CASE	Year(s) Delay of Use of Alternate Fuel	For use only if O&M expenditures are not constant with the amounts indicated in Sec.7.0. Enter only periods and annual amounts which differ from those reported in the above mentioned Section ear (from,to) efer to the beginning and ending calendar year for the period amounts change.									
		ANNUAL O&M EXPENDITURES AND PERIODS OF YEARS INCURRED									
		From Year	To Year	Annual O&M	From Year	To Year	Annual O&M	From Year	To Year	Annual O&M	
(a)	(b)	(c)	(c)	$(000)(d)	(c)	(c)	$(000)(d)	(c)	(c)	$(000)(d)	

ERA-318 Page 20

8.0 ANNUAL FUEL EXPENDITURES, NEW INSTALLATIONS		Check Type Cost Test ☐ General ☐ Special
COST CASE	Annual Outlay(s) For Fuel Expenditures During the Period the Installation Burns Petroleum and/or Natural Gas	Annual Outlay(s) For Fuel Expenditures During the Period the Installation Burns Alternate Fuel
	Expressed in Non-Inflated $(000)	Expressed in Non-Inflated $(000)
BASE		
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		

ERA-318 Page 21

7.0 INSTRUCTIONS

This section is structured on the assumption that O&M expenditures will remain constant. If they do not remain constant, complete section 7.1 for the periods of change. All expenditures should be expressed in thousands of dollars in real (uninflated) terms using the prices in effect at the time the petition is submitted.

(a) Annual O&M expenditures while burning petroleum and natural gas. Enter annual O&M expenditures (less fuel cost) for each case while burning petroleum or natural gas.

(b) Annual O&M ependitures while burning alternate fuel. Enter annual O&M expenditures (less fuel cost) for each alternate fuel case while burning the alternate fuel.

7.1 INSTRUCTIONS AND DEFINITIONS - Changes in annual operation and maintenance expenditures.

(a) Cost Case. Enter cases from section 3.0 which have changes, in amounts of O&M from the amounts listed in Section 7.0

(b) Year delay of use of alternate fuel. Enter calendar year in which alternate fuel is first used.

(c) From year to year. Enter the calendar year when the change of O&M begins and ends.

(d) Annual O&M. Enter the amount in thousands of dollars in real (uninflated) terms using the price in effect at the time the petition is submitted.

Note: For each line there is space for three periods of O&M expenditures. If there are more than three changes, repeat (a) through (d) as necessary.

8.0 INSTRUCTIONS

This section is structured on the assumption that fuel expenditures will remain constant. If they do not remain constant, complete section 8.1 for the periods of change. All expenditures should be expressed in thousands of dollars in real (uninflated) terms using the prices in effect at the time the petition is submitted.

(a) Annual fuel expenditures while burning petroleum and natural gas. Enter annual fuel expenditures for each case while burning oil or natural gas.

(b) Annual fuel expenditures while burning alternate fuel. Enter annual fuel expenditures for each alternate fuel case while burning the alternate fuel.

	Fuels Decision Report	
	Page	Chapter
(c) Oil or Natural Gas Data: (This data is to be submitted for each change of price or Btu content)		
Price imported crude oil $____ per BBL (Federal Register reference_____)	_____	_____
Price of composite crude oil $____ per BBL (Federal Register reference_____)	_____	_____
Price of your fuel* $____per BBL (Fuels Decision Report reference _____)	_____	_____
BTU's per Barrel of oil	_____	_____
*If you use natural gas, this item will be the price of No. 2 distillate fuel oil		
(d) Alternate Fuel Data: Name of Fuel____	_____	_____
(1) Price of delivered Alternate Fuel $_____per unit	_____	_____

ERA-318 Page 23

8.0 (cont'd)

	Fuels Decision Report Page	Chapter
(2) BTU's per unit _____ 10^6 per unit	_____	_____

(3) What is the unit (Bbl, ton, etc.)

_____

ERA-318 Page 24

8.1 FUEL OUTLAYS, NEW INSTALLATIONS	Check Type Cost Test ☐ General ☐ Special

Changes in Annual Fuel Expenditures

For use only if fuel expenditures are not constant with the amounts indicated in Sec.8.0. Enter only periods and annual amounts which differ from those reported in the above mentioned section ear (from,to) efer to the beginning and ending calendar year for the period amounts change.

COST CASE (a)	Year(s) Delay of Use of Alternate Fuel (b)	ANNUAL FUEL EXPENDITURES AND PERIOD OF YEARS INCURRED								
		From Year (c)	To Year (c)	Annual Fuel $(000) (d)	From Year (c)	To Year (c)	Annual Fuel $(000) (d)	From Year c)	To Year (c)	Annual Fuel $(000) (d)

ERA-318 Page 25

8.1 INSTRUCTIONS AND DEFINITIONS. Changes in Annual Fuel Expenditures

(a) Cost Case. Enter Case Number of all cases from section 3.0 which have changes in amounts of fuel expenditures from the amounts listed in section 8.0

(b) Year delay of use of alternate fuel. Enter number of years delay in burning alternate fuel.

(c) From year to year. Enter the calendar years when the change of fuel expenditures begins and ends.

(d) Annual Fuel Expenditures. Enter the amount in thousands of dollars in real (uninflated) terms using the price in effect at the time the petition is submitted.

Note: For each line there is space for three periods of changes of Fuel Expenditures. If more room is needed enter the case number on the next line and repeat the process described in (a) throug (c).

9.0 MISCELLANEOUS DATA

9.1 Are you assuming a useful life for the installation other than 40 years?	Yes	FDR Page	FDR Chapter
	No		
9.2 What is your marginal federal income tax rate?	_____	FDR Page	FDR Chapter

9.3 Enter date that your proposed installaltion will become operational

Month	Day	Year

ERA-318 Page 27

ERA

U.S. DEPARTMENT OF ENERGY
Washington, D.C. 20461

Form Approved
OMB No. _____

DRAFT

SCHEDULE (C)
NO ALTERNATIVE POWER SUPPLY

If you are petitioning for a permanent exemption for a new powerplant because there is no alternative power your filing requirements include the General Exemption Form for Powerplants, a Fuels Decision Report, this schedule (unless you are petitioning for a Peakload and Cogeneration Exemption) Schedule A (General and Special Cost Test for New Powerplants) and the appropriate exemption forms.

A separate No Alternative Power Supply Schedule (C) must be submitted for each unit for which you are seeking an exemption.

1.0 Identification Information

What is the name of the facility, operating company and the person responsible for this form?

1.1 Facility Data (site):

a. Name: _____

b. Unit Identification: _____

1.2 Operating Company Identification:

(a) Name: _____

1.3 Name of person responsible for this application:

(a) Name: _____

(b) Title: _____

(c) Telephone Number: _____

2.0 Certification

I certify that the information contained herein and appended hereto is true and accurate to the best of my knowledge.

Name	Title	Signature	Date
Name	Title	Signature	Date

Title 18, USC 1001, makes it a crime for any person knowingly and willingly to make to any Agency or Department of the United States any false, fictitious or fraudulent statements as to any matter within its jurisdiction.

ERA-319 Page 1

GENERAL INFORMATION ON PARAMETERS

The parameter values must be used when calculating the total cost and ratio cost data found on this form. These values are the same as those used in the General Cost calculations.

(1) The delivered price of oil or natural gas must reflect the price of imported oil in the following way:

$$PFE = \frac{PICO}{PCCO} \times PF \qquad \text{where}$$

PICO = Price of imported crude oil. The most recent refiner acquisition cost of imported crude oil as reported in the Federal Register monthly notice for the DOE Domestic Crude Oil Allocation (Entitlements) Program.

PCCO = Price of composite crude oil. The most recent weighted average cost of total reported crude oil receipts as reported in the Federal Register notice for the DOE Entitlements Programs.

PF = Price of your fuel. The most recent actual weighted average cost of your fuel oil (other than natural gas). Alternatively, if no purchases of fuel oil occurred, or you used natural gas during that month, you should use a simple average of the industrial price of fuel oil (capable of being burned in your facility) sold in your area by at least three suppliers. For proposed natural gas users, you should use the price of No. 2 distillate fuel oil in this calculation.

PFE = Price of fuel for equation. The cost of oil for use in "Equation #1" in the regulations.

(2) All other estimated expenditures are expressed in real (uninflated) dollars using the prices in effect at the time the petition is submitted.

(3) The annual capacity factor is 70 percent of design capacity.

(4) The useful life of a coal, nuclear, oil or natural gas fired powerplant is 35 years. The useful life of other alternate fuels powerplants shall be presumed to be 35 years. You may rebut the presumption with suitable engineering evidence.

(5) The cost comparisons shall be made over a 35 year period--the the useful life of the oil or natural gas fired powerplant.

(6) The cost of capital (discount rate) used in all present or future value computations shall be 3.5%.

ERA-

3.0 Supporting Documentation	
In support of your Petition for this exemption you are required to address specific issues in you Fuels Decision Report (FDR). Complete the following questions to provide ERA with a summary of your responses and/or to indicate the page and chapter number in the FDR where the issues are discussed. Where requested, please use the alternate site-fuel combination cost case numbers you designated in part 2.1 of Schedule A (General and Special Cost Test for New Powerplants).	
As part of your Fuels Decision Report, where have you provided:	FDR Page _____ Chapter _____
3.1 A detailed description of your methodology to compute the annual cost of purchased electricity in the situation where you are only purchasing power.	_____ _____
3.2 A description of your efforts to purchase electricity in the situation where you would only purchase power. Include letters of intent if any?	_____ _____
3.3 Where relevant, the FERC Tarrif Identifications which are intended as bases for the purchased power contracts under negotiation, including those service schedules and/or exhibits which would apply to these contracts in the situation where you would only purchase power?	(a) __ Not Applicable (b) _____ _____
3.4 A detailed description of your methodology to compute the annual cost of purchased electricity in the situation where you would purchase power and build an alternate power.	_____ _____
3.5 A description of your efforts to purchase electricity in the situation where you would purchase power and build an alternate plant. Include letters of intent, if any?	_____ _____
3.6 Where relevant, the FERC Tariff Identifications which are intended as bases for the purchased power contracts under negotiation, including those service schedules and/or exhibits which would apply to these contracts in the situation where you would purchase power and build an alternate plant?	_____ _____
3.7 A detailed description of why you cannot meet load requirements with existing facilities by improving the performance of existing facilities, employing system conservation, assisting end use customers to conserve electricity including installing insulation and implementing load techniques?	_____ _____

ERA-319 Page 3

ERA-

As part of your Fuels Decision Report, where have you provided:	FDR Page _____ Chapter _____
3.8 A detailed description of each of the methods you considered as required by subsection 503.7(a) (4) of the Regulations, together with an estimate of the cost of implementing each of the methods?	_____ _____
3.9 An estimate of the kilowatt hour savings or additional kilowatt hour potential, as applicable, for each of the methods you considered as required by subsection 503.7(a) (4) of the Regulations?	_____ _____

4.0 Proposed Plant Cost Information

4.1 Are you assuming a useful life for the powerplant other than 35 years?

(a) ___ Yes How many years? ___

(b) ___ No

FUELS DECISION REPORT

Page _____ Chapter _____

4.2 Referring to Schedule A, what is the total cost (present-valued) of producing electricity with the proposed plant over its useful life?

$ _____

5.0 If you were to purchase power in lieu of using the proposed plant's generated power, what would be its total cost (present-valued) over the useful life of the proposed plant, as computed with Equation A below?

$ _____

Instructions and Definitions: (Continued on page 5)

These instructions supplement the instructions in Schedule A

The cost of purchasing power, discounted to the present, is computed with equation A:

EQ. A $$\text{Cost} = \sum_{i=1}^{N} \frac{PU_i}{(1+K)^i}$$ where:

(1) $i = 0$ time before the proposed plant becomes operational

(2) $i = 1, \ldots, N$ years of operation of the proposed plant

(3) Pu_i = the cost of purchasing the same power, on the same schedule as would be met by the proposed plant, in the ith year following the year the exemption would become effective. The estimates for the first few years should reflect contractural arrangements potentially available to you. The re-

ERA-

5.0 Continued

maining years should be forecasted on the basis of conditions expected to prevail in your electrical region. The basis of the estimated costs for all years should be documented in your FDR.

6.0 Referring to Schedule A, what is the least total cost (present-valued) of producing electricity with an alternate plant over the useful life of the proposed plant?

(a) Cost Case Number	(b) Amount
_____	$ _____

Use this space for computations:

ERA-

7.0 What is the total discounted cost of purchasing power and building and operating an alternate fuel capable plant delaying the operational date of this plant one year at a time?

Use Equation B given below to compute this cost. If an additional alternate site-fuel combination is considered please provide a description in section 9.0.

(a) Alternate Site Fuel Combination Cost Case Number*	Total Cost ($ 000's)								
	Last Year Purchased Power is Used (Q in Equation B):								
	(b) 1	(c) 2	(d) 3	(e) 4	(f) 5	(g) 6	(h) 7	(i) 8	(j) 9
(1)									
(2)									
(3)									
(4)									
(5)									
(6)									
(7)									
(8)									
(9)									
(10)									
(11)									
(12)									

*This case number should be the same as that used in Part 2.1 of Schedule A.

Instructions and Definitions: (Continued on page 7)

The total present-valued cost of purchasing power and building and operating an alternate fuel capable powerplant is computed with Equation B.

7.0 Continued

Equation B: $$\text{Cost} = \sum_{i=1}^{Q} \frac{PU_i}{(1+K)^i}$$

$$+ \left[\frac{\left[\sum^{Q} I_i\right] (1+K)^{-Q} \quad \sum_{i=Q+1}^{N+Q} (T_i + OM_i + FL_i)(1+K)^{-i}}{\sum_{i=1}^{N} (1+K)^{-i}} \right] \times \sum_{i=1}^{N-Q} (1+K)^{-i}$$

where Q = the last year that the purchased power is used

Use this space for your computations:

ERA-

8.0 Cost Ratio Information

8.1 What is the ratio of Purchased Power Cost to Proposed Plant Cost?

_____

8.2 What is the ratio of Alternate Plant Cost to Proposed Plant Cost?

_____

8.3 What is the ratio of the total discounted Purchased Power Cost and Alternate Plant Cost to the total discounted Proposed Plant Cost delaying the operational date of the alternate fuel capable plant one year at a time?

(a) Cost Case Number**	Cost Ratios								
	Last Year Purchased Power is Used: (Q in Equation B)								
	(b) 1	(c) 2	(d) 3	(e) 4	(f) 5	(g) 6	(h) 7	(i) 8	(j) 9
(1)									
(2)									
(3)									
(4)									
(5)									
(6)									
(7)									
(8)									
(9)									
(10)									
(11)									
(12)									

** Cost Case for X = Cost Case No. x compared to Base Cost Case

Instructions and Definitions:

(1) Cost Ratio $X = \frac{\text{Cost of Case No. x}}{\text{Cost of Proposed Plant}}$

(2) See General Information on Parameters, page 2

ERA-319 Page 8

ERA-

Note: (1) If you used different alternate site-fuel combinations in Section 7.0 than you used in Schedule A, complete 9.0 below for each different alternate site/ fuel combination.

(2) If you used the same alternate site-fuel combinations in both Schedule A and Section 7.0, you have completed all of the required information on this form.

9.0 Alternate Site-Fuel Combination Information

9.1 Briefly describe the different alternate site-fuel combinations used in section 7.0.

(a) Cost Case Number	(b) Description	(c) Where in the FDR have you addressed this? Page _____ Chapter _____
(1) _____	_____	_____
(2) _____	_____	_____
(3) _____	_____	_____
(4) _____	_____	_____
(5) _____	_____	_____

9.2 Are you assuming a useful life for the powerplant other than 35 years?

(a) __ Yes (b) __ No (c) _____

ERA-319 Page 9

ERA-

9.3 Where in your Fuels Decision Report have you provided a detailed accounting of all major construction and equipment, including all critical assumptions and sufficient data to support your estimates?	Plant Case No. _____ Page Chapter ____ ____
9.4 Provide the Cost of Purchased Equipment	ESTIMATED COST
(1) Boilers	_____
(2) Waste Heat Boilers	_____
(3) Combustion Turbines	_____
(4) Steam Turbines	_____
(5) Internal Combustion Engines (Except combustion turbines)	_____
(6) Turbine Generators	_____
(7) Flue Gas Desulfurization (FGD) System	
(a) Scrubber modules and ductwork	_____
(b) FGD System make up water pumps and motors	_____
(c) Reheaters and booster fans and motors	_____
(d) Sludge thickening and pumping equipment	_____
(e) Stack lining	_____
(f) Electrical	_____
(g) Lime unloading equipment	_____
(8) Electrostatic Precipitators	
(a) Precipitator	_____
(b) Ductwork	_____
(c) Power supply	_____

	ESTIMATED COST
9.4. Continued	
(9) Fabric Filters	
(a) Bagnouse	_____
(b) Ductwork	_____
(c) Fans and motors	_____
(10) Steam Condensers	_____
(11) Condensate Pumps	_____
(12) Feed Water Treatment & Storage Equip	_____
(13) Mechanical Draft Cooling Towers	_____
(a) Tower	_____
(b) Cooling Tower circulating pumps	_____
(14) Wastewater Treatment	
(a) Bottom Ash Sludge System	_____
(b) Coal pile runoff collection system	_____
(c) Recycle water pumping	_____
(d) Sludge lagoon	_____
(e) Electrical	_____
(15) Fuel Oil Storage Tanks and Pumps	_____
(16) Land Costs	_____
(17) Fly Ash Disposal System	_____
(18) Stack	_____
(19) Coal Handling System	_____
(a) Rail System	_____
(b) Barge System	_____
(c) Car and Barge Unloading System	_____
(d) Conveyors	_____
(e) Silos or Bunkers	_____
(f) Pulverizers	_____

9.4. Continued (19) Continued (g) Stokers	ESTIMATED COST _____
9.4. General Structural and Civil Costs (1) Site Work (2) Coal Supply System (3) Flue Gas Desulfurization System (4) Site Utilities (5) Buildings and Enclosures (6) Precipitator and Bag House Installation (7) Ductwork and Stack (8) Mechanical Piping (9) Consenor Cooling System (10) Bottom Ash Disposal System (11) Fly Ash Disposal System (12) Electrical Work (13) Equipment Foundations	_____ _____ _____ _____ _____ _____ _____ _____ _____ _____ _____ _____ _____
9.4.1 Provide the Indirect Costs	
9.4.2 Provide the Engineering Costs	
9.4.3 Provide Contingency Costs	
9.4.4 Provide interest during construction	
9.4.5 Where in your Fuels Decision Report have you provided a detailed accounting of all delivered fuel expenditures, including critical assumptions and sufficient data to support your estimates?	Page_____ Chapter_____
9.4.6 Where in your Fuels Decision Report have you provided a discussion on the powerplant design capacity and the heat input rate for each fuel considered?	Page____ Chapter_____

ERA-319 Page 12

ERA-

	FDR Page___ Chapter___
9.4.7 Where in your Fuels Decision Report have you provided a discussion on engineering details for this plant?	____ _____

Enter any additional Remarks in this space:

DRAFT

SCHEDULE (C)

NO ALTERNATIVE POWER SUPPLY - PERMANENT EXEMPTION

(POWERPLANTS)

Instructions

I. Authority/Purpose

This schedule is required pursuant to the provisions of Title 10 of the Code of Federal Regulations, Part 503.7, Public Law 95-620, Powerplant and Industrial Fuel Use Act of 1978 (FUA), to be filed with the Economic Regulatory Administration for powerplants seeking a permanent exemption from the prohibitions of the Fuel Use Act. If you represent a powerplant seeking a permanent exemption for lack of alternate fuel supply, site limitations, environmental requirements, inability to obtain adequate capital, State or local requirements, fuel mixtures, emergency purposes, reliability of service or intermediate load, you must file the General Powerplant Form, the appropriate permanent exemption form, a Fuels Decision Report, this Schedule and any pertinent fees. The information provided in Schedule (C) will be used by ERA to perform an evaluation of powerplants seeking any of the permanent exemptions above. A separate Schedule (C) must be submitted for each unit for which you are seeking an exemption.

II. Where to submit Schedule (C).

Submit Form ERA - 319 in triplicate (3) to:

Department of Energy
Economic Regulatory Administration
2000 M Street, N. W. Room
Washington, D. C. 20461

III. Schedule (C) Form

Section 1.0 IDENTIFICATION DATA

1.1 Facility Location Data (site):

This information pertains to the site where your facility is located.

(a) Enter the name by which the facility site is identified.

(b) Enter the specific identification of the unit. For example, boiler #234.

1.2 Operating Company Identification:

This information relates to the company which has the actual responsibility for the operation of the facility. Included under the meaning of company, is any individual corporation, company, partnership, association, firm, institution, society, trust, joint venture, stock company, or County, State or Federal entity.

Enter the complete name of the company.

1.3 Contact Person Identification:

This information should relate to an individual who should be contacted if there are questions regarding the information contained in this Schedule.

(a) Enter the name of the individual.

(b) Enter the title by which the individual is identified in the company.

(c) Enter the area code and the telephone number at which the individual can be reached during normal working hours.

2.0 CERTIFICATION

1) If you file a Schedule (C) on behalf of a corporation, the Chief Executive Officer and the Chairman of the Board of the corporation shall attest in writing to the accuracy of all information contained in or appended to the Schedule.

2) If you are filing a Schedule (C) on behalf of a wholly-owned subsidiary, then the requirements of Paragraph (1) shall apply to the subsidiary, and to the parent corporation as well. (Four signatures may be required.)

3) If you are filing on behalf of an entity other than a corporation, the Chief Managerial Officer shall attest in writing to the accuracy of all information contained in or appended to your schedule (C).

3.0 SUPPORTING DOCUMENTATION

In support of your petition for this exemption you are required to address specific issues in your Fuels Decision Report (FDR). Complete the following questions to provide ERA with a summary of your responses and/or to indicate the page and chapter number in the FDR where the issues are discussed. Where requested, please use the alternate site-fuel combination cost case numbers you designated in part 2.1 of Schedule A (General and Special Cost Test for New Powerplants).

As part of your Fuels Decision Report, give the page and chapter where you have provided:

3.1 A detailed description of your methodology to compute the annual cost of purchased electricity in the situation where you are only purchasing power.

Refer to Cost Schedule (A) to determine the cost of producing electricity over the useful life of the proposed plant. Compute the total discounted cost of producing electricity for the life of the proposed plant using petroleum or natural gas for a 35 year period. See Section 503.5 of the Regulations.

3.2 A detailed description of your efforts to purchase electricity, including letters of intent. Provide evidence that you sought the full range of alternative power supplies available, including a description of the approach and methodology you used to search for and evaluate all possible electrical power which is accessible or obtainable within a reasonable distance of your proposed plant. Any letters of intent you provide, should clearly demonstrate your request to purchase power and show where you made a bona fide effort to solicit the services of firms engaged in the commercial sale of electrical power.

3.3 Where relevant, the FERC Tariff Identifications which are intended as basis for the purchase power contracts under negotiation, including those service schedules and/or exhibits which would apply to these contracts.

Indicate where relevant FERC Tariff Identifications are intended as a basis for the contracts under negotiation. If your purchasing agreement under negotiation is contingent upon the FERC granting a rate increase for the interstate sale of electricity, fully detail this in your Fuels Decision Report. If service schedules and/or exhibits applied to the contracts under negotiation are provided, give the page and chapter in your Fuels Decision Report where this is addressed.

3.4 A detailed description of your methodology to compute the annual cost of purchased electricity in the situation where you would purchase power and build an alternate plant. Give the total estimated cost for purchasing

power within the 10 years from the date you submit your petition to the date the alternate plant would become fully operational. Your methodology for computing purchase power cost should include supporting documentation where available. Such evidence would be any contract under negotiation or recently quoted KWH price in your electric region.

3.5 A description of your efforts to purchase electricity for the situation where you would purchase power and build an alternate plant. Include any letters of intent. Provide evidence that you sought the full range of alternative power supplies available, including a description of the approach and methodology you used to search for and evaluate all possible electrical power which is accessible or obtainable within a reasonable distance of your proposed plant. Any letters of intent you provide should clearly demonstrate your request to purchase power and show where you made a bona fide effort to solicit the services of firms engaged in the commercial sale of electrical power.

3.6 Where relevant, the FERC Tariff Identifications which are intended as basis for the purchased power contracts under negotiation, including those service schedules and/or exhibits which would apply to these contracts in the situation where you would purchase power and build an alternate plant.

Indicate where relevant FERC Tariff Identifications are intended as a basis for the contracts under negotiation. If your purchasing agreement under negotiation is contingent upon the FERC granting a rate increase for the interstate sale of electricity, fully detail this in your Fuels Decision Report. If service schedules and/or exhibits applied to the contracts under negotiation are provided, give the page and chapter in your Fuels Decision Report where this is addressed.

3.7 A detailed description of why you cannot meet load requirements with existing facilities by improving the performance of existing facilities, employing system conservation, assisting end use customers to conserve electricity including installing insulation and implementing load techniques.

This section of your Fuels Decision Report should identify, describe and document any conservation measures you have taken or intend to take to minimize the use of oil or gas if this exemption is granted. Outline the conservation goals you have set for yourself, for the unit under consideration, for the facility at which the unit is or will be located, and for your company. Conservation measures entail either reduction in consumption of oil and gas or increased efficiency in the utilization of oil and gas. Such measures can range from housekeeping measures to replacement of inefficient units. Such measures also could include the use of mixtures of gas or oil and alternate fuels, and new more efficient technologies. Your description of the measures you intend to use should be detailed and should include comparative consumption figures, identification of conservation equipment or techniques, proposed manner of use, proposed date of use, cost, etc.

3.8 A detailed description of each of the methods you considered as required by subsection 503.7(a) (4) of the Regulations, together with an estimate of the cost of implementing each of the methods.

An estimate of the kilowatt hour savings or additional kilowatt hour potential, as applicable, for each of the methods you considered as required by subsection 503.7(a) (4) of the Regulations.

For cost calculations, describe your approach and methodology for analyzing the relative economic benefits and costs of the alternate fuels, including petroleum and natural gas, you considered, and your findings. Include all costs relating to the alternate sources of electric power you considered. Detail the economic analyses you performed to determine whether use of a fuel is economically feasible. Economic considerations include capital costs, the ability to raise capital, operation and maintenance costs, fuel costs, transportation costs, and environmental costs.

4.0 Proposed Plant Cost Information.

4.1 Are you assuming a useful life for the powerplant other than 35 years?

Answer yes or no. If you answered "no," you may rebut the presumption that the useful life of the alternate fuel-fired plant is 35 years by providing the page and chapter in your Fuels Decision Report where you provide engineering evidence that specifically identifies the technical or operational considerations that prevent you from attaining a 35 year useful life.

4.2 Referring to Schedule A, what is the total cost (present - valued) of producing electricity with the proposed plant over its useful life? Assuming that the useful life of the proposed plant is 35 years, include items (1 thru 3) from Evidence Supporting the Comparative Cost Test, Schedule (A), to determine the cost of the proposed powerplant, use total discounted dollars for constructing and operating the plant for the period of the exemption or life of the plant.

5.0 If you were to purchase power in lieu of the proposed plant's generated power, what would be its total cost (present - valued) over the useful life of the proposed plant, as computed with Equation A below?

$ _____

Give the total cost. Costs must be expressed in real terms discounted to present value. The cost calculation that ERA uses for this purpose requires that real uninflated discount rates be used. We have tentatively set discount rates for new powerplants at 3.5 percent per annum (over and above the annual rate of inflation). To determine the cost of purchasing power discounted to the present, use cost formula provided in Equation A.

6.0 Referring to Schedule A, what is the least total cost (present - valued) of producing electricity with an alternate plant over the life of the proposed plant? Compute the cost of building and operating the alternate fuel-capable plants you propose in 7.0 for the lifetime of the plant. Compare the cost of using the alternate fuels mixture you propose in 7.0 to the cost of using imported petroleum for the proposed plant over the life of the plants.

7.0 What is the total discounted cost of purchasing power and building and operating an alternate fuel-capable plant delaying the operational date of this plant one year at a time?

Use Equation B below to compute this cost. If an additional alternate site-fuel combination is considered, please provide a description in Section 9.0.

Compute the total discounted cost of purchasing power and building and operating an alternate fuel-capable plant delaying the operational date of the alternate fuel-capable plant one year at a time with Equation B. By using the formula for calculating the cost of building an alternate fuel-fired plant in Equation B (attached), you must compute the ratios (R) of the cost of using an alternate fuel plant at the beginning of operation, and successively at the end of the first through tenth year to the cost of purchased power throughout the life of the powerplant.

8.0 Cost Ratio Information.

8.1 What is the ratio of purchased power cost to proposed plant cost? Here you must compare the discounted total cost of purchasing power to the discounted total cost of building and operating the proposed plant using imported petroleum for the useful life of the proposed plant.

8.2 What is the ratio of Alternate Plant Cost to proposed plant cost?

Give the ratio of the alternate plant cost to proposed plant cost. Compare the total discounted cost of building and operating the least total discounted cost alternate fuel plant to the total discounted cost of building and operating the proposed oil- or gas-fired plant.

8.3 What is the ratio of total discounted purchased power cost and alternate plant cost to the total discounted proposed plant cost delaying the operational date of the alternate fuel-capable plant one year at a time?

Give the ratio of total discounted purchased power cost and alternate plant cost to the total discounted cost of the proposed plant delaying the operational date of the proposed plant one year at a time. Enter the results in Section 8.3.

9.0 Alternate Site-fuel Combination Information.

9.1 Briefly describe the different alternate site-fuel combinations used in Section 7.0. Starting with the least cost case you gave in 7.0, describe the type of alternate fuel mixtures you considered for each site(s) for each alternate fuel capable plant. Provide the page and chapter for each alternate fuel plant you list in 9.1 that is discussed in your Fuels Decision Report.

9.2 Are you assuming a useful life for the powerplant other than 35 years?

Answer yes or no. If you answered "no," you may rebut the presumption that the useful life of the alternate fuel-fired plant is 35 years by providing the page and chapter in your Fuels Decision Report where you provide engineering evidence that specifically identifies the technical or operational considerations that prevent you from attaining a 35 year useful life. Provide such evidence in your Fuels Decision Report for each cost case number that you assume less than a 35 year useful life.

9.3 Give the page and chapter in your Fuels Decision Report where you have provided a detailed account of all major construction and equipment, including all critical assumptions and sufficient data to support your cost estimates.

For each alternate site-fuel combination you listed in Column A of 9.1, provide an accurate and reasonable estimate for all equipment and construction cost associated with completing each plant, the cost estimates used for each cost case number in 9.1 should include:

(1) A detailed accounting of all capital outlays including a description of all major construction and equipment. All critical assumption should be stated and sufficient data should be included to support your estimates;

(2) A detailed accounting of all operations and maintenance expenditures including a description of all major elements. All critical assumptions should be stated and sufficient data included to support your estimates; and

(3) A detailed accounting of all delivered fuel expenditures including transportation. All critical assumptions should be stated and sufficient data included to support your estimates. The fuel characteristics for each alternate fuel should be included.

9.4 Where have you provided in your Fuels Decision Report a discussion of the following cost items for each alternate site-fuel combination considered? Give the page and chapter in your Fuels Decision Report where you provide itemized cost schedules for each proposed plant. Give the estimated cost for each item listed in Items 1 thru 17 under purchased equipment and Items 1 thru 13 under General Structural and Civil Cost for 9.4. Where the cost is unknown, write "unknown." Where item is not applicable for a cost case, write "N/A" next to the item.

9.4.1 Where have you provided in your Fuels Decision Report indirect cost for constructing each plant proposed in Column A of 9.1? Estimate the indirect cost you will incur for heat, lighting, power and water, etc. during construction for each proposed plant in Column A of 9.1.

9.4.2 Where in your Fuels Decision Report have you provided for engineering cost? Give the page and chapter in your Fuels Decision Report where you estimate the engineering cost for systems design and supervisory control for each proposed plant listed in Column A of 9.1.

9.4.3 Where in your Fuels Decision Report have you provided for contingency cost? Give the page and chapter in your Fuels Decision Report where you provide funds or reserve capital for contingency cost or unexpected cost associated with building each of the proposed plants in Column A of 9.1.

9.4.4 Where in your Fuels Decision Report have you provided for interest during construction? Give the page and chapter in your Fuels Decision Report where you estimate the total amount of interest to be paid during the time the proposed plants in Column A of 9.1 are under construction.

9.4.5 Where in your Fuels Decision Report have you provided a detailed accounting of all delivered fuel expenditures, including critical assumptions and sufficient data to support your estimates?

You must give the page and chapter in your Fuels Decision Report where you detailed expenditures for the alternate fuels you considered, including mixtures, petroleum and natural gas. Specify the types of fuels you considered, their fuel characteristics, types of units (boiler, combined cycle, etc.) and equipment needed for each fuel, quality and quantities of fuel, and other relevant considerations. Provide a clear, competent and concise explanation of why you selected each fuel for consideration as well as a brief discussion of why you did not consider other alternate fuels.

9.4.6 Where have you provided in your Fuels Decision Report a discussion on the powerplant design capacity and the heat input rate for each fuel considered?

Give the page and chapter in your Fuels Decision Report where you provide the powerplant design capacity and the heat input rate for each fuel considered. For each plant case, provide the design capacity for each unit and the BTU heat value for all solid, liquid or gaseous fuels you considered as a primary fuel or mixture.

The FERC has proposed that certain rules be used to determine a powerplant's design capacity. There are a number of powerplant capacity ratings used by the electric power industry. However, these are used principally for operational purposes, reflecting seasonal weather conditions, degradation of a powerplant, or other factors, and may be substantially different from a powerplant's design capacity. The Commission has established

criteria that the design rating should be (1) determinable unequivocably from the manufacturer's data and ordinarily not changed during a powerplant's physical life, unless there is substantial modification of the unit; (2) a familiar and recognizable quantity throughout the electric power industry; and (3) a published value readily available to any party interested in obtaining it. These criteria and the proposed rules evolving therefrom were developed in consultation with the staff of the Secretary of Energy. The proposed rules are summarized below:

(1) The design capacity of a steam-electric generating unit shall be its maximum generator nameplate rating which has been reported to the Energy Information Administration on EIA Form _____ (formerly FPC Form 12).

(2) The design capacity of a combustion turbine shall be its peak load rating as defined by both the American National Standards Institute (ANSI) and by the International Standards Organization (ISO). This peak load rating, which applies to units operating for peaking service with a maximum of 2,000 hours per year operation, is based on an ambient temperature of 59 degrees Fahrenheit (15 degrees Celsius) and a pressure of 14.696 psia (sea level). This should be the capacity rating reported to the Energy Information Administration on EIA Form _____ (formerly FPC Form 12). If those reported ratings are based on different conditions, they will be adjusted to ISO standard conditions for the purpose of the Powerplant and Industrial Fuel Use Act.

(3) The design capacity of a combined cycle unit shall be the sum of its combustion turbine peak load rating, based on ANSI/ISO standard conditions, and the maximum generator nameplate rating of the steam turbine portion of the unit.

(4) The design capacity of an internal combustion engine shall be the capacity rating which has been reported to the Energy Information Administration on EIA Form _____ (formerly FPC Form 12).

9.4.7 Where have you provided in your Fuels Decision Report a discussion on the engineering details (for plants in Column A of 9-1)?

Provide the page and chapter in your Fuels Decision Report where you provide engineering details that outline your approach and methodology for determining whether use of the alternate fuels you considered is technically feasible. Address the alternative unit designs you considered and the unit specifications required, etc. Indicate which fuels are not technically feasible and why you made that determination. Also outline and discuss any technical or engineering considerations which would require the use of petroleum or of natural gas rather than an alternate fuel. Specific considerations which might be addressed include product or process problems, state of the art considerations, derating, and operational reliability problems. This analysis should be performed for each plant listed in Column (A) of 9.1.

FEA-

U. S. DEPARTMENT OF ENERGY
Washington, D. C. 20461

Form Approved
OMB No.

DRAFT

SCHEDULE (D)

USE OF MIXTURES - GENERAL REQUIREMENT
FOR TEMPORARY AND PERMANENT EXEMPTIONS

If you are petitioning for either a temporary exemption or for a permanent exemption due to lack of alternate fuel supply, site limitations, environmental requirements, inability to obtain adequate capital, state or local requirements, cogeneration, emergency purposes, reliability of service, intermediate load, product or process requirements or scheduled equipment outages, you must file this schedule.

A separate Schedule (D) must be submitted for each unit for which you are seeking such an exemption.

1.0 IDENTIFICATION INFORMATION

What is the name of the facility, operating company, and the person responsible for this form?

1.1 Facility Data (site):

(a) _____
Name

(b) _____
Unit Identification

1.2 Operating Company Identification:

(a) _____
Name

1.3 Name of person in your company to whom questions regarding this petition may be directed if different from the General Form:

(a) _____
Name

(b) _____
Unit Identification

(c) ( ) _____
Area Code, Telephone Number

2.0 CERTIFICATION

I certify that the information contained herein and appended hereto is true and accurate to the best of my knowledge.

Name	Title	Signature	Date
Name	Title	Signature	Date

Title 18 USC 1001, makes it a crime for any person knowingly and willingly to make to any Agency or Department of the United States any false, fictitious or fraudulent statements as to any matter within its jurisdiction.

ERA-320 Page 1

3.0 FUELS MIXTURE INFORMATION

Answer each of the following questions for the fuels mixture you considered.

(a) What are the fuels to be used in the proposed mixture?	(b) What is the total annual quantity of fuel (by fuel unit)?	(c) What is the heating value in BTU per fuel unit?	(d) What is the total BTU input per year in millions of BTU's?	(e) What is the percent of fuel to be used?
3.1				
3.2				
3.3				
3.4				
		Total BTU's	Total BTU's	100%

4.0 What are the design specification characteristics of all fuels this powerplant or installation is capable of firing? For fuels this powerplant or installation is not capable of firing, enter "NA" across the line for that fuel.

Fuels	Design Specifications										
SOLID FUELS	% Sulfur by Weight		% Ash by Weight		% Moisture		BTU/lb.		Grindability (Pargrove)	% Carbon	
	(a) max	(b) min	(c) max	(d) min	(e) max	(f) min	(g) max	(h) min	(i) minimum	(j) max	(k) min
4.1 Coal											
4.2 Petroleum Coke											
4.3 Municipal Wastes											
4.4 Industrial Wastes											
4.5 Agricultural Wastes											
4.6 Wood											
4.7 Solid Refinery Wastes											
4.8 Solid Renewable; Specify: _____											
4.9 Biomass											
4.10 Other; Specify: _____											

ERA-320 Page 2

4.0 Continued

Fuels	Design Specifications					
LIQUID FUELS	% Sulfur by Weight (a) max (b) min	Pour Point (degrees F.) (a) max (b) min	API Gravity (degrees) (a) max (b) min	B.S.&W. % (a) max (b) min	Initial Boiling Point °F. (a) max (b) min	BTU's/gallon (a) max (b) min
4.11 Residential Oil #6						
4.12 Distillate Oil						
4.13 Synthetic Oil						
4.14 Liquid Refinery Wastes						
4.15 Shale Oil						
4.16 Other; Specify: _____						

GASEOUS FUELS	BTU's Cubic Foot	
	(a) Maximum	(b) Minimum
4.17 Natural Gas		
4.18 Synthetic Gas from Alternate Fuel		
4.19 Synthetic Gas from Petroleum		
4.20 Gaseous Refinery Wastes		
4.21 Gaseous Industrial Wastes		
4.22 Solar		
4.23 Other; Specify: _____		

ERA-320 Page 3

5.0 Would the mixture(s) you considered be fired alternately or simultaneously?

(a) ☐ Alternately (b) ☐ Simultaneously

6.0 SUPPLEMENTAL INFORMATION

In support of this schedule, you are required to address specific issues in your Fuels Decision Report (FDR). Complete the following questions to provide ERA with a summary of your responses to indicate that such issues have been addressed. As appropriate, indicate the page and chapter number where the issues are discussed in the FDR.	Where in your Fuels Decision Report do you address this? Page _____	Chapter _____
6.1 Is the use of the mixture(s) you considered economically feasible? (a) ☐ Yes (b) ☐ No	(c)	
6.2 Is the use of mixture(s) you considered technically feasible? (a) ☐ Yes (b) ☐ No	(c)	

Note: (1) If you are requesting a temporary exemption and you contend that the use of a mixture is technically or economically feasible, you have answered all of the necessary information to complete this schedule and are now finished.

(2) If you are requesting a permanent exemption and you contend that the use of a mixture is not technically or economically feasible, answer section 7.0 below.

7.0 PERMANENT EXEMPTION REQUEST

7.1 Is the use of a fuels mixture required?

(a) ☐ Yes...Answer 7.2 (b) ☐ No...Skip to 7.5

7.2 Which exemption would you be eligible for? (Check one.)

(a) ☐ Lack of alternate fuel supply for the first ten years of useful life.

(b) ☐ Lack of alternate fuel supply at a cost which does not exceed the cost of using imported petroleum.

(c) ☐ Site limitations.

(d) ☐ Environmental requirements.

(e) ☐ Inability to raise adequate capital.

(f) ☐ State or local requirements.

7.3 Have you submitted the appropriate exemption form and schedules to support the above contention?

(a) ☐ Yes (b) ☐ No

7.4 Where in your Fuels Decision Report do you demonstrate your eligibility for the permanent exemption you checked in 7.2 above? Page _____ Chapter _____

7.5 Briefly describe the design or special circumstances which make the use of a mixture in your specific unit economically or technically infeasible.

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

7.6 What is the page and chapter number in your Fuels Decision Report where this is more fully addressed? Page _____ Chapter _____

Enter any additional comments in this space:

DRAFT

SCHEDULE (D)

USE OF MIXTURES -- GENERAL REQUIREMENTS FOR TEMPORARY AND PERMANENT EXEMPTIONS

Instructions

I. Authority/Purposes

This schedule is required pursuant to the provisions of Title 10 of the Code of Federal Regulations, Part 503.9 and 505.6, Public Law 95-620, Powerplant and Industrial Fuel Use Act of 1978 (FUA), to be filed with the Economic Regulatory Administration for powerplants seeking a permanent exemption(s) and installations seeking either a temporary or permanent exemption(s) from the prohibition of the Fuel Use Act. If you represent a powerplant seeking a permanent exemption for lack of alternate fuel supply, site limitations, environmental requirements, inability to obtain adequate capital, State or local requirements, cogeneration, emergency purposes, reliability or intermediate load, you must file a Schedule (L) - Use of Mixtures. Powerplants seeking a permanent exemption for peakload or fuel mixtures are not required to file this schedule. If you are filing a petition for an installation, you must file a Schedule (D) with all temporary exemptions and all permanent exemptions except the permanent exemption for certain fuel mixtures. The information provided in Schedule (D) will be used by ERA to perform an evaluation of powerplants and installations seeking any of the temporary or permanent exemptions above.

II. where to submit Schedule (D).

Submit Form ERA - 320 in triplicate (3) to:

Department of Energy
Economic Regulatory Administration
2000 M Street, N.W., Room _____
Washington, D.C. 20461

III. Schedule (D) Form

Section 1.0 IDENTIFICATION DATA

1.1 Facility Location Data (site):

This information pertains to the site where your facility is located.

(a) Enter the name by which the facility site is identified.

(b) Enter the specific identification of the unit. For example, Boiler #234.

1.2 Operating Company Identification:

This information relates to the company which has the actual responsibility for the operation of the facility. Included under the meaning of company, is any individual corporation, company, partnership, association, firm, institution, society, trust, joint venture, stock company, or County, State or Federal entity.

(a) Enter the complete name of the company.

1.3 Contact Person Identification:

This information should relate to an individual who can be contacted if there are questions regarding the information contained in this schedule.

(a) Enter the name of the individual.

(b) Enter the title by which the individual is identified in the company.

(c) Enter the area code and the telephone number at which the individual can be reached during normal working hours.

2.0 CERTIFICATION

(1) If you are filing a petition for exemption(s) on behalf of a corporation, the Chief Executive Officer and Chairman of the Board of the company shall attest in writing to the accuracy of all information contained in or appended to your petition.

(2) If you are filing a petition for exemption(s) on behalf of a wholly-owned subsidiary, then the requirements of (1) above shall apply to the subsidiary and to the parent corporation as well. (Four signatures may be required)

(3) If you are filing on behalf of an entity other than a corporation, the Chief Managerial Officer shall attest in writing to the accuracy of all information contained in or appended to your petition.

3.0 FUELS MIXTURE INFORMATION

Answer questions in columns (a), (b), (c) and (d) for the proposed mixtures under column (a) which you considered.

(a) What are the fuels to be used in the proposed mixture for the exempted unit? List the proposed mixture of fuels that are technically feasible for use during the proposed temporary exemption period, or for a permanent exemption in 3.1 thru 3.4. Provide a continuation sheet if you propose using more than four (4) types of mixtures.

(b) What is the total quantity of fuel by unit? For solid fuels such as coal, and municipal waste, give the total amount of solid fuel used on an annual basis in tons. For liquid fuels such as residual oil or liquid refinery waste, give the total amount to be used on an annual basis in gallons. For gaseous fuels such as natural gas or synthetic gas from coal or oil, give the total amount of gas in Mcf or thousands of cubic feet.

(c) What is the heating value in BTU's per fuel unit?

(1) For solid fuels use: total number of BTU's per lb.

(2) For liquid fuels use: total number of BTU's per gal.

(3) For gaseous fuels use: total number of BTU's per cubic feet.

(d) What is the total BTU input per year in millions of BTU's?

(1) For solid fuels, multiply the BTU's per lb. heating value (X) 2000 to obtain total BTU's per ton. Multiply that number (X), the total proposed number of tons of solid fuel (to be used annually), to find total BTU's. Divide the total number of BTU's by 1,000,000 to find the total millions of BTU's used per year.

(2) For liquid fuels, multiply the BTU's heating value per gallon (X) the total number of gallons of liquid fuels you propose to use annually. Divide that number by 1,000,000 to find the total millions of BTU's used per year.

(3) For gaseous fuels, multiply the BTU's heating value per cubic foot (X) 1000. Multiply this number (X), the total proposed number of MCF to be used annually, and divide by 1,000,000 to obtain millions of BTU's used per year.

(4) Take the total value of the millions of BTU's for all fuels in your proposed fuel mixture and add into the bottom column of (d).

(e) What is the percent of the fuel to be used? For each fuel in your proposed fuel mixture, take the total millins of BTU's for each fuel in column (d) and divide by the sum total millons of BTU's of all fuels at the bottom of (d). This figure will be the % (percentage) of total millions of BTU's input which must be entered to the right of each proposed fuel in column (e). By rounding to the nearest whole number, the percentage of BTU's for all fuels in column (e) should total 100% of the total millions of BTU's at the bottom of column (d).

4.0 What are the design specification characteristics for all the fuels this powerplant or installation is capable of firing? Write 'N/A' across the line for fuels that cannot be used. Give the burning characteristics for all fuels this unit can use with respect to ash, sulfur, moisture, BTU value by weight or cubic foot, grindability, amount of fixed carbon, etc., for the design specification of all solid, liquid or gaseous fuels you can use - including the minimum and maximum ranges that can be used.

5.0 Would the mixture(s) you considered be fired alternately or simultaneously? If petroleum or natural gas will not consistently be used in combination with the alternate fuels in the fuels mixture proposed in 3.0 of this Schedule, you should check "alternately." If you do plan to consistently burn petroleum or natural gas in combination with the alternate fuels listed in your fuels mixture, you should check "simultaneously."

6.0 Supplemental Information

6.1 Is the use of the mixture(s) you considered economically feasible?

(a) Economic considerations include capital costs, the ability to raise capital, operation and maintenance costs, fuel costs, transportation costs, and environmental costs. Present your assessment using the methodology

for cost comparison calculations provided in Sections 503.5 and 505.5 of the Fuel Use Act regulations. Also present the approach, methodology and calculations that you traditionally use to make economic decisions, and the results based on that methodology. If you conclude that use of a particular fuel is economically feasible, you may simply state this without providing in-depth analysis by checking (a) "yes."

(b) If, after making cost calculations based on Sections 503.5 [Cost Schedule (A)]and 505.5 [Cost Schedule (B)] of the regulations and you determine a fuels mixture not to be economically feasible, check (b) "no."

(c) Cite the page and chapter in your Fuels Decision Report where the economic feasibility of using a fuels mixture is addressed. This section of your Fuels Decision Report should describe your approach and methodology for analyzing the relative economic benefits and costs of the alternate fuels, including petroleum and natural gas that you considered, and your findings. If you are requesting a permanent exemption for a powerplant (except for fuel mixtures or peakload), also address the economic considerations relating to the alternate sources of electric power that you considered. Detail here the economic analyses you performed to determine why use of a fuels mixture is not economically feasible.

6.2 Is the use of the mixture(s) you considered technically feasible?

(a) If you concluded that there are no significant technical or engineering problems associated with the use of a particular fuel, check (a) "yes."

(b) If you checked (b) "no," your Fuels Decision Report should outline your approach and methodology for determining why use of the alternate fuels you considered is not technically feasible.

Address the alternative unit designs that you considered and the unit specification required, etc. Indicate which fuels are not technically feasible and why you made that determination. Also outline and discuss any technical or engineering considerations which would require the use of petroleum or natural gas rather than an alternate fuel. Specific considerations which might be addressed include product or process problems, state of the art considerations, derating, and operational reliability problems. If you are requesting a permanent exemption for a new powerplant relating to lack of alternate fuel supply, site Limitations, environmental requirements, adequacy of capital, State or local requirements, co-generation emergency purposes, reliability of service or intermediate load powerplant, address the apprpriate technical and engineering considerations pertaining to each alternative site examined for alternate fuel that you considered in your Fuels Decision Report.

(c) Cite the page and chapter in your Fuels Decision Report where you address the technical feasibility of fuels mixtures. If you concluded mixtures were not technically feasible, give the page and chapter in (a) above where this is determined.

7.0 Permanent Exemption Request

7.1 If you are requesting a permanent exemption and contend that the use of fuels mixture is technically and economically feasible, check (a) and answer 7.2. If a fuels mixture is not feasible check (b) and go to section 7.5.

7.2 Check all permanent exemptions listed in (a) thru (f) that you would be eligible for if you were able to use fuels mixture.

7.3 Have you submitted the appropriate exemption form(s) and schedules to support your contention that you are eligible for any of the permanent exemptions in (a) thru (f) adove? Check "yes" or "no." If you filed either a Powerplant or Installation General Form, a Fuels Decision Report, this schedule and a completed petition for any of the permanent exemptions (a) thru (f) in g.2 above, check "yes." If use of a fuels mixture would not qualify you for any of the permanent exemptions listed in 7.2, simply check "no."

7.4 Where in your Fuels Decision Report do you demonstrate your eligibility for any permanent exemptions listed in 7.2 above. This section must provide the page and chapter where you identify and describe the alternate fuels you considered, including mixtures, petroleum and natural gas. Specify the types of fuels you considered, their fuel characteristics, types of units (boiler, combined cycle, etc.) and equipment needed for each fuel, quality and quantities of fuel, and other relevant considerations. This section of your Fuels Decision Report should also provide a clear, competent and concise explanation of why you selected each fuel for consideration as well as a brief discussion of why you did not consider other alternate fuels that would allow you to use a fuels mixture.

7.5 Special Circumstances.

Briefly list any special or extraordinary circumstances that economically or technically preclude the use of a fuels mixture. Attach supplementary documentation if necessary.

7.6 Cite the page and chapter in your Fuels Decision Report where design problems or other special circumstances listed in 7.5 are addressed. List the page and chapter in your Fuels Decision Report of all information that supports your contention that special circumstances do prevent the use of a fuels mixture for technical/design or economic reasons.

U.S. DEPARTMENT OF ENERGY
Washington, D.C. 20461

DRAFT

SCHEDULE (E)
GENERAL REQUIREMENT FOR ALTERNATIVE SITES
(POWERPLANTS)

If you are petitioning for a lack of alternate fuel supply, site limitations, environmental requirements, inability to obtain adequate capital, state or local requirements, intermediate load, or permanent exemption for a new powerplant, you must file this schedule.

A separate Schedule (E) must be submitted for each unit for which you are seeking such an exemption.

1.0 IDENTIFICATION INFORMATION

What is the name of the facility, operating company, and the person responsible for this form?

1.1 Facility Data (site):

(a) _____
Name

(b) _____
Unit Identification

1.2 Operating Company Identification:

(a) _____
Name

1.3 Name of person in your company to whom questions regarding this petition may be directed if different from the General Form:

(a) _____
Name

(b) _____
Title

(c) ( )
Area Code, Telephone Number

2.0 CERTIFICATION

I certify that the information contained herein and appended hereto is true and accurate to the best of my knowledge.

Name	Title	Signature	Date
Name	Title	Signature	Date

Title 18, USC 1001, makes it a crime for any person knowingly and willingly to make to any Agency or Department of the United States any false, fictitious or fraudulent statements as to any matter within its jurisdiction.

ERA-321 Page 1

3.0 Identify each of the alternate sites you considered and check all of the alternate fuels you considered for each site.

	(a) Alternate Site #1	(b) Alternate Site #2	(c) Alternate Site #3	(d) Alternate Site #4
Name and Location of Alternate Sites:	_____	_____	_____	_____
SOLID FUELS: 3.1 Coal				
3.2 Petroleum Coke				
3.3 Municipal Wastes				
3.4 Industrial Wastes				
3.5 Agricultural Wastes				
3.6 Wood				
3.7 Solid Refinery Wastes				
3.8 Solid Renewable; Specify: _____				
3.9 Biomass				
3.10 Other; Specify: _____				
LIQUID FUELS: 3.11 Residual Oil #6				
3.12 Distillate Oil				
3.13 Synthetic Oil				
3.14 Liquid Refinery Wastes				
3.15 Shale Oil				
3.16 Other; Specify: _____				

ERA-321 Page 2

(3.0 Continued)	(a) Alternate Site #1	(b) Alternate Site #2	(c) Alternate Site #3	(d) Alternate Site #4
Name and Location of Alternate Sites:				
GASEOUS FUELS: 3.17 Natural Gas				
3.18 Synthetic Gas from Coal				
3.19 Synthetic Gas from Oil				
3.20 Gaseous Refinery Wastes				
3.21 Gaseous Industrial Wastes				
3.22 Other; Specify:				

4.0 SUPPORTING DOCUMENTATION

In support of your Petition for Exemption you are required to address specific issues in your Fuels Decision Report. Complete the following questions to provide ERA with a summary of your responses and/or to indicate that such issues have been addressed. Indicate the page and chapter number where the issues are discussed in the Fuels Decision Report.

Where have you provided in your Fuels Decision Report:	FDR	
	Page	Chapter
4.1 A map indicating your proposed site and each of the alternative sites you considered?		
4.2 A detailed description of the criteria you used to select the alternative sites you considered and to select the alternative fuels you examined for use at each alternative site?		
4.3 Copies of summaries of any studies you performed as part of, or in support of, your search for reasonable alternative sites?		
4.4 That you are unable to use alternative fuels ar any of the alternative sites you considered at a cost which does not substantially exceed the cost of using imported petroleum, or, in special circumstances, for any other reasons? (Using cost schedule A.)		

Where have you provided in your Fuels Decision Report:	FDR	
	Page	Chapter
4.5 All data required by section 503.5 of the regulations (Schedule A - cost calculations) supporting any contentions you make pertaining to the cost of using alternate fuels at alternative sites?		
4.6 A detailed explanation of any contention you make concerning other reasons which would preclude use of alternative sites?		

Enter any additional remarks in this space:

DRAFT

Schedule (E)
General Requirement for Alternative Sites
(Powerplants)

Instructions

I. Authority/Purposes

This schedule is required pursuant to the provisions of Title 10 of the Code of Federal Regulations, Part 503.11 , Subpart B, and Public Law 95-620, Powerplant and Industrial Fuel Use Act of 1978 (FUA), to be filed with the Economic Regulatory Administration (ERA) by any powerplant seeking a permanent exemption for lack of alternate fuel supply, site limitations, environmental requirements, inability to obtain adequate capital, State or local requirements or intermediate load. The information provided in Schedule (E) will be used by ERA to perform an evaluation of powerplants seeking any of the permanent exemptions above.

II. Where to submit Schedule (E).

Submit Form ERA - 321 in triplicate (3) to:

Department of Energy
Economic Regulatory Administration
2000 M Street, N.W., Room _____
Washington, D. C. 20461

III. Schedule (E) Form

Section 1.0 IDENTIFICATION DATA

1.1 Facility Location Data (site):
This information pertains to the site where your facility is located.

(a) Enter the name by which the facility site is identified.

(b) Enter the street address of the facility site.

1.2 Operating Company Identification:

This information relates to the company which has the actual responsibility for the operation of the facility. Included under the meaning of company is any individual corporation, company, partnership, association, firm, institution, society, trust, joint venture, stock company, or County, State or Federal entity.

(a) Enter the complete name of the company.

1.3 Contact Person Identification:
This information should relate to an individual who can be contacted if there are questions regarding the information contained in this schedule.

(a) Enter the name of the individual.

(b) Enter the title by which the individual is identified in the company.

(c) Enter the area code and the telephone number at which the individual can be reached during normal working hours.

2.0 CERTIFICATION

1) If you file a Schedule (E) on behalf of a corporation, the Chief Executive Officer and the Chairman of the Board of the corporation shall attest in writing to the accuracy of all information contained in or appended to the petition.

2) If you are filing this schedule on behalf of a wholly-owned subsidiary, then the requirements of Paragraph (1) shall apply to the subsidiary, and to the parent corporation as well. (4 signatures may be required.)

3) If you are filing on behalf of an entity other than a corporation, the Chief Managerial Officer shall attest in writing to the accuracy of all information contained in or appended to your Schedule (E).

3.0 Identify each of the alternate sites you considered and check each of the alternate fuels you considered for each site. Site considerations could include accessibility of fuel, the adequacy of transportation facilities and land for storage, use, and handling of fuel, the adequacy of facilities and land for disposal of wastes from fuel, the availability and adequacy of water, and other potential site limitations. After analyzing all possible or potential fuels which can be used at each site, you should check each fuel (under the appropriate site number) which you determined could be used as an alternate fuel (3.1 thru 3.22).

4.0 Supporting Documentation/Fuels Decision Report Data. You must give the page and chapter in your Fuels Decision Report where you fully discuss issues in questions 4.1 thru 4.6.

4.1 Give the page and chapter in your Fuels Decision Report where you provided a map of your proposed site and each of the alternate sites considered. The map(s) which you reference should provide a clear, concise and detailed description of your proposed site and all alternate sites. All proposed and alternate site areas should be offset by either outlining the boundaries or by use of shading and color variations.

4.2 Give the page and chapter in your Fuels Decision Report where you give a detailed description of alternative sites you considered and alternate fuels you examined for each alternative site. This section of your Fuels Decision report should include:

(a) A detailed explanation of any contention you make concerning other reasons which would preclude use of alternative sites or alternate fuels other than petroleum or natural gas; and

(b) Your methodology for selecting alternative sites and use of alternate fuels other than petroleum or natural gas wherever it is technically or economically feasible.

4.3 Give the page and chapter in your Fuels Decision Report where you provide summaries in support of your search for alternative sites and use of alternate fuels. This section of your Fuels Decision Report should include all technical and engineering studies or considerations you used for determining whether use of alternative sites and alternate fuels other than petroleum or natural gas is technically and economically feasible. This section should also indicate which fuels are not technically feasible and why you made that determination. If you concluded that there were no significant technical or engineering problems associated with the use of a particular fuel, you may merely state your conclusion and the reasons for it without providing in-depth analysis and documentation. Also outline and discuss any technical or engineering considerations which would require the use of petroleum or natural gas rather than an alternate fuel.

4.4 Give the page and chapter in your Fuels Decision Report where you demonstrate you were unable to use alternate fuels at any of the alternative sites you considered at a cost which does not substantially exceed the cost of using imported petroleum. This section of your Fuels Decision Report should include:

(a) evidence that you sought the full range of alternate fuels and fuel characteristics which could be used by the new powerplant, including bid requests and/or advertisements for supply contracts, all proposals and responses thereto, as well as any other arrangements you attempted to make to secure supplies; and

(b) a decription of the approach and methodology you used to search for and evaluate the use of the alternate fuel you considered.

4.5 Cite the page and chapter in your Fuels Decision Report where you present your cost assessment for using alternate fuels by using the cost comparson calculations provided in Section 503.5 of the regulations - Schedule (A) Cost Calculations for New Powerplants. In your cost calculation you must:

(a) Compute: the cost (COST) of using an alternate fuel in an alternate fuel-fired powerplant from the start of operation with equation (2);

(b) Compute the cost (COST) of using an alternate fuel in a dual-fired powerplant (alternate fuel and oil or natural gas) with equation (2) assuming an alternate fuel is not used as the primary energy source until the end of the first year of operation and that oil or natural gas is used for the first year of operation. Capital investment, operating and maintenance and fuel (e.g., installation of scrubber when used); and

(c) Successively compute the cost (COST) of using an alternate fuel in a dual-fired powerplant with equation (2) assuming alternate fuel is postponed until the end of the second through tenth year of operation (and oil or natural gas is used in the years preceeding alternate fuel use).

4.6 Cite the page and chapter in your Fuels Decision Report where you give a detailed explanation of any contention you make concerning the reasons which would preclude the use of alternative sites. This section of your Fuels Decision Report must include:

(a) A description of each alternate fuel you considered for use at each alternative site you considered;

(b) A detailed description of the criteria you used to select the alternative sites you considered and to select the alternate fuels you examined for use at each alternative site;

(c) Copies or summaries of any studies you performed as part of, or in support of your search for reasonable alternative sites; and

(d) All data required by Section 503.5 [Schedule (A)] supporting any contentions you make pertaining to the cost of using alternate fuels at alternative sites. This section of your Fuels Decision Report must demonstrate that you rigorously explored and objectively evaluated all reasonable alternative sites and alternatives to oil or gas. It must clearly and concisely describe the process and methodology you used to search for, analyze, and evaluate each fuel and site you considered, including documentation of feasibility reports, experts and sources used.

(e) Compute the cost (COST) of using oil or natural gas in an oil or natural gas-fired powerplant as the primary energy source with equation (2) throughout the useful life of the unit.

If you are comparing the use of an alternate power supply with the use of imported petroleum, compute the ratio of the cost of using the alternate power supply to the cost of using oil or natural gas both for the lifetime of the powerplant. Otherwise, compute the ratio (R) of the cost of using an alternate fuel at the beginning of operation, and successively at the end of the first through tenth year to the cost of using oil or natural gas throughout the life of the powerplant with equation (1).

If all the ratios (R) are greater than, for illustrative purposes, 1.5 (an index to be set periodically by ERA), your proposed powerplant would meet the cost criteria for a permanent exemption. If one or more of the ratios (R) is equal to or less than 1.5 and a series of ratios (R), starting with the case where alternate fuel is used from the start of operation, are all greater than 1.5, a temporary exemption would be granted for the minimum peroid in which the cost of starting to use alternate fuel, deferred year by year, always exceeds 1.5.

[FR Doc. 79-4300 Filed 2-9-79 8:45 am]

The authentic text behind the news . . .

The Weekly Compilation of PRESIDENTIAL DOCUMENTS

Administration of Jimmy Carter

This unique service provides up-to-date information on Presidential policies and announcements. It contains the full text of the President's public speeches, statements, messages to Congress, news conferences, personnel appointments and nominations, and other Presidential materials released by the White House.

The Weekly Compilation carries a Monday dateline and covers materials released during the preceding week. Each issue contains an Index of Contents and a Cumulative Index to Prior Issues.

Separate indexes are published quarterly, semiannually, and annually. Other features include lists of acts approved by the President and of nominations submitted to the Senate, a checklist of White House press releases, and a digest of other Presidential activities and White House announcements.

Published by Office of the Federal Register, National Archives and Records Service, General Services Administration

SUBSCRIPTION ORDER FORM

ENTER MY SUBSCRIPTION FOR 1 YEAR TO: WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS (PD)

@ $15.00 Domestic; @ $23.50 Foreign.
@ $15.00 additional if Domestic first-class mailing is desired.

NAME—FIRST, LAST

COMPANY NAME OR ADDITIONAL ADDRESS LINE

STREET ADDRESS

CITY | STATE | ZIP CODE

PLEASE PRINT OR TYPE

(or) COUNTRY

☐ Remittance Enclosed (Make checks payable to Superintendent of Documents)

☐ Charge to my Deposit Account No. .....

MAIL ORDER FORM TO:
Superintendent of Documents
Government Printing Office
Washington, D.C. 20402